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MODERN CHIVALRY:

OR,

THE ADVENTURES

OF

CAPTAIN FARRAGO AND TEAGUE O'REGAN.

BY

H. H. BRACKENRIDGE.

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"MAJOR TEAGUE O'REGAN'S ADVENTURES" ETC.

WITH A PREFACE AND EXPLANATORY NOTES BY THE EDITOR.

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EDITOR'S PREFACE.

The two first volumes, forming the *first part* of the work, exhibit the preposterous ambition of the individual, continually aspiring to offices and pursuits for which he is unqualified. In such cases, according to the author, the post of honor is the private station. Ridicule is freely used to expose the presumption of such false ambition. In fact, the moral is, the evil of ambition anywhere, even with the most capable and deserving. It is considered the greatest political evil of a republic; while modest self-denial, or voluntary retirement, as so much the less common, constitutes the greatest virtue in a free government. In the best of all governments, the noblest traits of character are those where individuals of the highest merit, have declined offices and honors, or freely resigned them. It was the highest degree of virtue in the Roman republic. This was great in Cincinnatus among the Romans, and great in Washington with us. The fact of Napoleon may serve to point the moral.

The *second part*, also in two volumes, written after an interval of ten years—like the second part of Don Quixotte, contains the fruits of the more ripened experience of the author. It now forms the third and fourth volumes of the work. It is profound in its views, although under the mask of pleasantry. It may be called a work of political philosophy, and every page furnishes matter for deep reflection. As the first part deals with the folly and presumption of the individual, so the second part deals with the masses, and exhibits the delusions of the multitude. It shows the excesses, the extravagance, and short-sighted passions of of the people, the most destructive to the own welfare—of course honest, but mistaken To the agrarian schemes, to the manifest tendency to anarchy, to the thousand projects of visionary philosophers and interested demagogues, he ascribes the despotism which succeeded the French revolution. It was the visionary among the people, who overthrew the republic and made the despotism. To the great body of the sober and industrious in the community, who had property, acquired by industry or inheritance, *any government was better than anarchy.* They were willing to embrace anything which could afford protection to persons and property, from the perpetual flaws and tempests of anarchy. Where there is but one kind of aristocracy, as in this country, and France after the revolution, the aristocracy of wealth, or talent, or virtue, it is in the power of every citizen to become a member of it. It was not so in Rome, where there were two distinct classes, almost distinct castes; the patrician, descended from the ancient families, and the plebian, those of more modern origin. The commons struggled violently for even the privilege of intermarriage with the nobles, which was forbidden by law; as also for the right of election to the chief magistracy. The amalgamation was regarded pretty much in the same light, as that in this country, between the black and the white. In England, the force of opinion, or prejudice, is almost as strong as the distinction of the Roman patrician and plebian. In this country, every one is *novus homo,* new man, or maker of his own fortune. He that does not improve his condition, must blame himself, or deplore the unkindness of providence in not bestowing an equal share of talents. Or reflecting wisely on the justice of that providence, he must look for his compensation in some other way. The field is open to all, although some have strength, swiftness, or wisdom, and others are comparatively deficient. The *right is equal,* although the chances are not, and cannot be. The visionary philosophers presume on the possibility of making all equal in capacity and in desert. In this they have to work against nature, which they in some measure admit, by their deduction, that it is necessary to remodel society, and order everything in a different way from that in which it was created by the Almighty. They seek an imaginary perfectibility; and finding that it is impossible to make the individuals all equal, their object is to destroy all individuality, and to seek their ideal perfection in the masses, in the aggregate, and *human nature,* in the abstract ideal of man, and thus exterminate vice and virtue together. But the practical man, the true philosopher, on the contrary, is continually laboring to raise the importance of the individual, and to bring out individual talents and virtues, thus forming the social aggregate. The principle of despotism is concentration, that of democracy, diffusion. The *habeas corpus,* the bill of rights, the freedom of speech and conscience, are all calculated to give dignity to the individual, and elevate him in importance, in opposition to the power of the masses, or of the single despot, or the few. The great thing is to make every man feel that he is a man—something self-reliant—noble—and not a mere particle or component, indivisible, insignificant ingredient, of a concrete mass.

The author has assailed many of the popular follies, whose tendency is to sink the dignity of the individual man, and to undermine the true democratic principle. They all lead to despotism, by rendering democratic institutions unstable, and consequently unsafe. The elective franchise is the most important of all the democratic principles; hence it occupies the most of the author's attention and endeavors to preserve it in its purity.

The exercise of the right of suffrage is the most precious privilege of the citizen; and at the same time, it is that on which the purity and permanence of the government depend. After discussing the various restrictions proposed at different times, to prevent the abuses attending it, he comes to the conclusion, that every poll shall poll; that is, that every male resident of full age, and paying tax, shall have the right of voting and of being voted for. The strong satire against property qualification, under the idea of cattle voting, an ox or a horse vote, is aimed at the requisite of property; but it is also intended to ridicule the idea of perfectibility of the visionary philosophers, who contend that it is possible for man to attain in this life the perfection of angels. From the importance of the duty entrusted to the voter, he argues the necessity of diffusing information and education among them, on whom that high duty is devolved. The caricature is broad, and on purpose, in order to render the idea more striking. The absurd prejudice, at one time prevailing against learning, is now rare, yet by no means extinct. The satire of the dog-lawyers, is directed against the abuses of the bar, and of the legal profession, of which he was the true friend.

The opening chapter of the first volume of this second part, where the merits of Peter Porcupine and Paul Polecat are discussed in town meeting, is an admirable representation of the evils arising from the abuse of the liberty of the press; and at the same time, the value of that liberty when properly used. It would take many pages of grave dissertation to convey the same ideas, and then to be read only in the closet, while here they are drawn up in a shape, to be placed in the hands of the most common and superficial among the poeple.

The chapters on constitution making, trace the establishment of government, in an amusing but philosophical manner. The chapter on *common sense*, the most *uncommon sense*, is original; and that on the ingratitude of republics, too often the theme of disappointed ambition, presents the subject in a new light, showing that when stricly examined, the fault is often in the person complaining.

In short, these two volumes contain a store-house of ideas, on all subjects, especially political, brought within the reach of the laborer, the mechanic, the farmer, as well as the enlightened statesman and philosopher. It is a book for the people, and yet may be read with advantage and instruction, by every one, in every occupation or situation in society.

There is a strong resemblance between our author and Cervantes, in the gravity with which trivial subjects are treated; and it is this contrast which constitutes much of that delicate wit, that is not always perceived by the dull of apprehension. It is also remarkable for the playful manner in which subjects are often treated, when the reader suddenly finds himself in the midst of the most profound reasoning, on matters of the greatest moment. It is impossible for the most ordinary mind, to read this book without a great accession of the most sound and salutary ideas and precepts. No one can read it, without becoming more of a thinker and reasoner than he has been. That book best attains its end, which sets the mind longest to thinking after reading it; as the bell of the clearest metal, when struck, rings longest and loudest.

The author's peculiar mode of conveying instruction, was a delicate irony, somewhat resembling that of Swift, or perhaps rather of Fielding; as for instance, where he intends to rebuke those who attempt to enlighten the public on subjects of which they are ignorant; "I have always observed (says he) that a man can write better on a subject for being acquainted with it!" We find many similar touches in Modern Chivalry; as in the grave dissertation on the utility of laws, where he says, "I do not know that society has yet attained to that morality and freedom from sin, that law and government can be dispensed with altogether." The arbitrary and authoritative mode of instruction, is thus avoided. There is another mode which constantly recurs in this work, which Dr. Franklin calls the Socratean, and in like manner shuns offence, by making the party addressed, the detector of his own folly or imprudence. The examples of this may be seen where the Captain turns Teague from some of his foolish pretensions. One question after another is put to him, by which he is made to discover his ignorance, as it were by his own confession The quotation from the life of Socrates by Zenophon, exhibits this mode of disclosing the truth, which might otherwise have been offensive. The author of Modern Chilvalry seems to have been very partial to this mode of address. It is related of him, that on one occasion two poor soldiers were indicted for stealing a watch from the house where they lodged. They had but one knapsack between them, and in this the watch was found. The author in defending them, affected to take the side of the prosecution. "Gentlemen of the jury," said he, "there can be no doubt that one of these parties is guilty, but the difficulty is to know which of the two. But so many thefts have been committed of late, that examples must be made. Now, here are two poor friendless fellows, whom nobody cares anything about, and their punishment will distress nobody but themselves. They are the very persons to make an example. It is true it is impossible to know whether both are guilty, or if not both, which of them has done the deed. But that is a small matter compared to the importance of the example for the good of the public. A little stretch of conscience is therefore perfectly justifiable, with such a motive." At this one of the jury became impatient, and with some anger, rose and said, "Sir, you are mistaken, if you suppose that any one on this jury will violate his conscience for the sake of punishing a poor soldier, because he has no friends, and where we are not sure that he is guilty." "As you please, gentlemen; I have nothing more to say."

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MODERN CHIVALRY.

CHAPTER I.

Capt. Farago resumes his travels, and is once more joined by Teague.—His return to the village—And of the strange phenomena encountered at its entrance.

Here is a great gap—*hiatus valde deflendus*—not a word of Captain Farrago, or of Teague O'Regan, since the shipment of the latter to France, by the philosophical society, as a curiosity for the inspection of the profound naturalists of that country. Now, the fact is, the Captain had returned to his farm, raised a crop or two, put his fences in order, which the tenant had suffered to go out of repair; but growing weary of the monotony of the farming life, he longed to resume his adventures, at least to avoid ennui, by a change from place to place, seeking at the same time, useful information, as well as amusement, and even not without some ambition of being able to improve matters, here and there, by his suggestions. He was, however, no mad-man, like his prototype Don Quixotte, going forth to relieve distressed damsels, and free the oppressed, setting even galley slaves at liberty, to be afterwards beaten and bruised by them, for his pains.

His last Squire, Duncan, the Scotchman, had taken to weaving in the neighborhood, and was doing well. The Captain had advised him to go to preaching, but he declined the advice, on the ground that he had not been ordained to the ministry, and although it was good work that pleased the customer, yet, he could not reconcile it to his conscience to take on himself, so holy an office, without a proper vocation.

As for Teague, on landing at Nantz, and being in fact, a *sans culotte*, he was at once set free by the mob, or canailles, forwarded with eclat to Paris, and introduced to the Jacobin clubs, as a primitive savage, of that golden age, described by Jean Jaque Rousseau. He soon after appeared, in the great procession of Anacharsis Cloots, the orator of the human race, and in the character of a Kickapoo Indian, from the Valley of the Mississippi. Teague made them a speech in Irish, which passed for very eloquent Indian, although there was no one to interpret it, as in the case of Logan, but was supposed to be suitable to the occasion and the character of the speaker. It was not long after this, before he was denounced as an aristocrat, on account of his wearing some articles of clothing which had been given him, and which had the aristocratic cut; perhaps a part of the spoil of some unfortunate noble, who had perished on the scaffold. Teague was consigned to the conciergere, or revolutionary prison, from which there was then but a step to the guillotine. He was soon liberated by the sudden downfall of the monster Robespiere, and left to starve on the pavement. How he got back to America, is not clearly explained in the memoirs, afterwards composed by him, or for him, or by any of the historians who have enlightened the public on the subject. It is most probable, that he was assisted by the American Consul, as an adopted citizen of the United States. All that is known with certainty, as to this somewhat obscure portion of history, is, that he did get back, and very soon after the Captain had set out on his perigrinations, he unexpectedly fell in with his old master, and gladly joined him in his former capacity. He was not much improved in morals, or intelligence, by travel; but had lost none of his assurance; rather had increased it, by presuming on being a travelled person, and having the accomplishment of being able to interlard his speech with an occasional French phrase, such as *parlez vouz—qui va* *la— a'l' enfer—que diable—oui Monsieur*—and such like, with the addition of the corresponding shrug of the shoulders.

We resume the narrative, at the place, where the Captain and Teague had arrived within a mile of the village ; the Captain having resolved to return home, to rest himself for awhile. It may be noticed, that as a part of his farm was within the borough limits, he might be said to be a resident of the town; and here we must relate what seemed to announce a thrilling adventure

Passing through a wood, just on the skirts of the village, he saw at some distance, the resemblance of men, suspended on the limbs of trees, or what at first, appeared to be such, but on a nearer approach, proved to be the excuviæ of men, such as coats, waist-coats, breeches and hats. The attention of our hero, being at once arrested by these phenomena, if they may be so called, and checking his horse, he called to Teague, and said, what can this be? Is it probable, Teague, that some of the wags of the village, hearing of your return with me, have been making what they call Paddies, by way of welcome home? It is certainly not done for the purpose of showing their respect for you.

By Saint Patrick, said Teague, I'll Paddy dem, wid a Shelala Is dis all dere manners, bad luck to dem, an me jist from de great nation across de salt water, and helped to put down Robber Speer. Paddies ! troth an I'll Paddy dem. But may be, 'tis some poor spalpeen, dey have hung up, just for shape-stealing, as dey do in Ireland.

I see nothing said the Captain, but the emptyings of wardrobes, jibbeted through the grove; stretched on trees, or suspended from them, phenomena which I am unable to comprehend or explain; for I see no corn growing underneath, from which a scare-crow might affright the birds; nor can they be vestments of people, at work near hand, or stripped to bathe, as I see no water pond, or river, but a dry grove.

In the midst of those conjectures, respecting the strange sight before them, they were suddenly overtaken by an old acquaintance, John Martin, the village school-master, and even a Latinist, but his scholars falling off, he had of late, been employed as a tax collector. After the usual salutations, inquiry was made, respecting the objects which had puzzled the Captain and his man. Those habiliments said Martin, are of the people of the village, *urbis populi*—who have hung them up to the dew, in order to take off the musk of a pole cat, which had effected them, from the perfusions of one of these animals, now *ecce signum*. But I perceive, that in order to let you more fully into the knowledge of the business, with which you do not appear to be acquainted—*rerum cognocere causas*—must detail more fully, the circumstance, which gave rise to this affair, which is of no common or trifling nature. You must know, then, that not long before this, a typographist, had set up a paper in the village, and in the capacity of editor, had chosen to assume the symbol, or hieroglyphic, of the Porcupine. A happy nature had fitted him for a satyrist, and felicity of education was not wanting to qualify him for the office. He had not the pleasantry of Horace, nor the pungency of Juvenal, but an original stricture of his own, that supplied the place of them. It had a coarseness, and roughness, which is expressed by Horace, in the words *defricuit urbem*. The truth is, he had been bred in the barracks, and had at his fingers ends, the familiar phrases of the soldiery, with that species of wit, which is common with that occupation of men, and in that grade. Doubtless we see something like it in the plebeians of all classes and denominations: the women that sell fish at a certain stand in London, have a species of it known by the name of Billingsgate, either because there is a gate of that name near the place, or formerly was one. The miners and coal heavers have a good deal of it. The scavengers and chimney sweepers are adepts, though without the least scholastic education, or knowledge of letters. I have known even in our own country, where we are remote from the seats of the muses, a good deal of it possessed, by way travellers, or boat men on our rivers; a kind of unshackled dialect; fettered by no rule of delicacy, or feeling of humanity. I have been turning in my mind what word in our English language, best expresses it, and I have found it to be that which has been given it by Thomas Paine, black-guardism. For what man without indignation can bear the touch of the slanderer, more especially if that slander is of a private, and domestic nature, and alludes to what cannot be explained or defended? Not that it is true, but a man in the just pride of standing in society, would scorn to appeal to the public or bring it before a court!

There was in the village a man of understanding, and sensibility, who had been the subject of caricature, and not choosing for reasons that weighed with himself, to take it in good part, thought of retaliation. But what could he do? The same language was unbecoming a gentleman. The like strictures of foibles or of faults on the part of an adversary, could only become the character of one equally low bred. Nor was it so much his object to repress the licentiousness of this buffoon as to correct the taste and judgment of the public, who did not all at once, distinguish the impropriety of countenancing such ribaldry.

With a view to this, having taken a pole-cat on the mountains, he had put it in a cage, and hiring an office contiguous to that of the Porcupine, he kept it there, suffering the boys of the village to provoke it, and the dogs to bark at it through the bars. It was in vain to complain; the owner called himself Paul Polecat, and when Porcupine expostulated and justified his gall by the freedom of the press, Paul fortified himself on the liberty of the express.

But it was not Porcupine alone, nor his unoffending wife and family, that had reason to complain of this nuisance. The children running home to their parents, and the dogs with them, brought the perfume to the houses of the village. The wearing apparel of almost every one was affected with the musk; the women buried their dresses; the men in some instances did the like, and in others hung them up to the action of the air, and the dews of the adjoining wood.

While the quondam school master, was occupied in giving this explanation, the party had been slowly approaching the town They had now got within sight of the main square, when a tumultuous assembly struck the eye; some with fists raised; others with sticks, and all in a menacing attitude. They could also hear tongues of people altercating with one another, and using opprobrious epithets.

In fact, the village had become divided, into two parties. Those who had been the subjects of the obloquy of Porcupine, justified the emission of the cats, and were of opinion that the one had as good a right to be borne as the other. Counsel had been taken, and learned opinions given. But this making the matter no better, the dissention had increased, and the people had come together in a rage.

Teague at a distance seeing this, stopped short; said he, what means all dis paple in de street? It is as bad as Saint Antone in Paris, or de place de greeve where dey have de gullintine. De devil burn me if I go farder,'till your honor goes on and sees what is de matter. Barin tar and fedders, I'm not afraid of de best of dem.

The Captain advancing to the populace, was recognized by them, and his appearance contributed not a little to a longer suspension of hostilities, for notwithstanding his supposed eccentricities, he was held in esteem as a man of sound sense, and as a good citizen.

Countrymen and fellow citizens, said he, is this the satisfaction that I have, in returning amongst you after an absence of some months, to see man armed against man, and war waged not only in the very bosom of the republic, but in the village which I regard as my home, and for whose benefit I have travelled, to acquire a knowledge of the ways of other men, and other societies. *Multorum hominum et urbes*, interrupted Martin. What can be the madness that possesses you? are not the evils of life sufficient? but you must increase them by the positive acts of your own violence! You cannot wholly preserve yourselves at all times free from the maladies of the body, or the distresses of the mind. But it is in your power greatly to assuage these, by the virtues of temperance and moderation. What fury can prompt you, to this degree of apparent resentment, and approaching tumult. Is it local or general politics? Is it any disagreement with regard to your corporate interests, or is religion the cause? Has any flagrant instance of moral turpitude, or exceeding knavery in an individual, roused you to this excess of violence, and exclamation?

Captain, said a middle aged man stepping forward, companion of his years, Mr. Joseph Cecil, the barber of the village,* Captain, it is not only pleasing to see you return in apparent good health, but more especially, at this particular moment when your interference cannot but be of the greatest use, to the citizens; not only on account of that confidence which they have in your judgment and discretion, of which they have a lively recollection; but as they must naturally think that your travelling has given you knowledge, and brought you home full fraught with learning and information. Your public spirit, your judicious plans for the advancement of general and individual prosperity, are gratefully acknowledged. Your humanity is also well remembered by them; that man, woman, or child was never injured by you, in life, estate, or reputation; that on the contrary, it was always your study to do good, and compose differences, and prevent lawsuits. Now a misfortune has happened to the village; if I can call it a misfortune, which was at first thought a good; a printer came to this place and set up a paper, or gazette, by taking subscriptions from those that were willing to give them. His device was the porcupine, figured at the head of the paper, with quills erect, and ready to be discharged. Scarcely a month had gone over his head before he began to lampoon; searching into the secrets of families, and publishing matters of individuals, with which, whether true or false, the public had nothing to do; and this in so low and disorderly a manner, that the more intelligent have disapproved of it; but the bulk read, and it seems to increase rather than curtail his subscribers, for all but those who had been stung by the sharp points of his quills, are pleased. A young man on the other hand, a scholar and a wag, meaning to burlesque his manner of writing, having gone to the mountain with a dog, or a trap, and having taken a pole cat, he puts the beast in a cage; hires that frame building that you see, one story high, and but a room on a floor, and calls it his office.—Here he places the pole-cat with a man to attend it. What a running of boys; what a barking of dogs we have had! and when the children ran home, and the dogs after them; what a putting of the hand upon the nose, by the servant girls and the mistresses, at the smell that accompanies! The young man justifies himself under the pretence that it is but retaliation of the odour that proceeds from the press of Porcupine; for as this effects the organ of smelling, that disgusts the judgment of the mind. The people are divided, as will always be the case, if for no other cause, yet for the sake of division; because the pride of one man forbids him to think just as another does. The adversaries of the skunk, or what else it is, insist that it shall be put down as a nuisance, and have met with clubs, staves and knives, to carry the threat into execution.—The advocates of the animal on the other hand have convened to oppose them.

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*The barber and hair dresser, was a much more important personage, than at the present day. He usually went his rounds every morning, to the principal houses, shaved, dressed hair, and gossiped

But, said the Captain, did I not leave you a regular corporation? Have you not power to make bye-laws? and is not this done upon notice given by the chief or assistant burgesses? Why such hurry scurry as this? Moreover it is a weighty question that agitates the public mind; question of right: and where the rights of the citizen come in question, I hold it a most delicate thing to decide; in a free government, more especially, where the essence of liberty is the preservation of right; and there is the right of conscience, the right of property, the right of reputation, and the right to be heard, which is necessary for the security of all other rights. This is a right of property; for if this animal which is feræ naturæ, has been reclaimed by the owner, he has a right to put it to such use as suits his trade, or accords with his whim, provided that it does not affect the rights of others. The limit, boundary, or demarkation of this use, is a question of wise discussion and examination; and not in a tumultuous assembly, heated not with whiskey, but with the ardency of their own spirits. I advise therefore, and so far as my weak judgment deserves to be regarded—would recommend that each man lay down his shelalah, baton, or walking-stick, and retire for the evening; and convene to-morrow in a regular town meeting, where the adversaries and advocates on both sides may have an opportunity of being heard. To-morrow when ye meet with the chief burgess in the chair, to keep order, and preserve decorum, assign the proper times of speaking, and call to order on a deviation from the subject, as is usual in deliberative assemblies, the business can be taken up, and conducted as is proper in town meetings. I am now just from my travels, somewhat fatigued, but more moved by the consideration that I am on horse-back, and it is not becoming that I take a part in your debates as if my horse were to speak also. And it is even indecorous for myself to sit here and speak, mounted, as occupying a more elevated station; and should I dismount, my man you see yonder, is kept at bay, by an apprehension of your weapons, and refuses to come up, so that I am without an attendant to hold the beast; all things considered therefore, I move, a chairman not being appointed, who might put the question, that you adjourn, and dissolve until to-morrow about this time, when the matter may be taken up as we now have it, and the affair canvassed as becomes members of the same community, and inhabitants of the same village.

It cannot be difficult to conceive that these words had a favorable effect upon the audience; as oils compose a storm; for as the waves of the ocean rise and fall suddenly, so the passions of men; and in no instance more than where they are coming to blows. Approaching anger disposes to peace, every one having felt half a blow already on his head ; and the difficulty only is to get an excuse, for returning, or sheathing the weapon. They are much obliged to a man that counsels concord ; and advises the putting down the brickbat, or putting on the coat. Even in duelling it holds the same, and the principal is a friend to the second ever after, that manages the matter so wisely that no blood is shed.

It was moved and seconded that in the mean time, the keeper, or as he called himself, the editor of the pole-cat, should keep his charge within the claustrum, or bars of his cage, and covered with a matting, so that access might not be had to him, by man or beast, or egress on his part, of that offensive odour, which had been the cause of the disturbance. This, the partizans of the skunk were willing to admit and sanction with their acquiescence, on condition, nevertheless, that the Porcupine in the mean time, should also restrain his quills; in other words, suspend the effusions of his press, and cease to distribute papers for a day or two, during the pendency of the debate. This was thought reasonable, and carried by the multitude holding up their hands; and thus for the present, hostilities were suspended by a truce, as was often the case among the Romans, according to Livy, in their domestic broils.

CHAPTER II.

In which the proceedings of the town meeting are faithfully related.

The day following, a meeting being held, and the chief burgess in the chair, a lawyer who had been engaged by Porcupine took the floor and spoke.

Gentlemen said he, the press is the palladium of liberty—"The image that fell down from heaven."* The freedom of the press is essential to libery. Shackle the press, and you restrain freedom. The constitutions of the states have provided that the press shall be free. If you muzzle this, you muzzle the mouth of man. You destroy the means of asserting and defending his liberty. You assail the tree at its root. It is the canker worm of despotism, which strives in vain, until it destroys the liberty of the press.

It is not the freedom of the press, said one interrupting him, it is the abuse of it that is in question.

The chief burgess called to order, and the speaker went on.

That is the point said he to which I meant to come. What shall be said to the abuse of the press? In order to determine this, we must consider its use. This is;

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*According to the Roman fable, an image of Mars fall down from heaven, and was preserved in the Capitol, under the belief that while kept there, the Republic would be safe.

1. The amusement of the editor. For as some men amuse themselves, shooting, fishing, or chasing wild beasts, so men of literary taste, find their recreation in penning paragraphs for a paper, sometimes containing information, or observations on the fate of empires, and the character of great men; at other times by descending, or not rising at all, but confining themselves to the subordinate affairs of individuals, and private persons. Some men love to impart information, and they find in it the reward of their labour. These are of higher natures, who love to do good without other hope of reward.

2. The profit of the editor: and this depends on the number of subscribers. It is not every one that has a taste for refined writing. Filth and garbage delight bears; and swine swill the trough in preference to the running stream. Scurrility is the gout of many. Nay, it is the more prevailing taste:

> " The world is naturally averse
> To all the truth it sees or hears;
> But swallows nonsense and a lie,
> With greediness and gluttony."

In Britain, or some other countries, delicacy may succeed. But the coarse stomachs of the Americans crave indecency; at least a portion of it. Rough like their own woods and wild beasts, they digest scurrility.

Well spoken, said the lawyer of the Pole cat man, as soon as the counsel for Porcupine had stopped to spit, and turn his quid—But does not his argument, equally justify the freedom of the Polecat? You talk of the freedom of the press. Here is the freedom of the *express*. Nay the word *expression* which is common to both institutions, the artificial one of the types, and the natural one of the cat, shows the original to be similar, and the comparison *to run on all fours*. If the ink cast into black letter, and carrying with it pain and pungency from the ideas communicated, is tolerated; much more the volatile alkali of the animal that is now set up, is to be borne, as not more offensive to body or mind. Shall the bark of trees made into powder, and this powder into a liquid, impregnated with thought, and put upon paper, and carried to the press, be accounted harmless, notwithstanding the violence of the decoction, yet the wild cats that inhabit these trees, and are denizens of the forest, must be prohibited because of a bag under their tails which contains an unsavoury secretion, and may occasionally be spurted upon men?

Porcupine's lawyer resumed. The principles of the common law embrace this case. It is unlawful to exercise trades in town that occasion noisome smells; they are abateable as nuisances. It is therefore, entirely different from the press, which offends none of the senses. The cases are not *parallel*, although "they run on all fours."

Grant it, said the juris-consult, on the pole-cat side; but when it is in retaliation, or in self-defence against an editor whose defamation is more offensive to the feelings of the mind, than the hogo of a civit to the sense of smelling; or when it is used in burlesque, and by way of analogy and symbol, to explain the impropriety of encouraging personal abuse by taking papers—it may correct by leading to reflection. The mind may be insensible to abstract lessons, but a paradigm, or object set before it may affect. According to the poet, things placed directly before the eye, produce a much greater effect than when only described.

Segnius irritant animos demissa per aurem—exclaimed the latin school master. As to this man exercising his trade, continued the lawyer, it is an occupation which can be carried on to a advantage only in a town; for it is in towns chiefly that editors assemble; and it is by setting up under our noses, and affecting the readers, that the impression is made. For if the public will receive libels into their houses for the use of themselves and families, let them take a little of this hartshorn with it, and if they will have the one, bear the other. A ground of the common law is general reason adapted to particular cases. I grant that it even goes so far as to make the keeping hogs in a pen near my window, in towns, a nuisance; but this is a town incorporated, and can by a bye-law regulate a new trade. I hold it to be a matter of vote whether this quadruped shall be tolerated or excluded.

The advocate for the press rejoined. The common law, said he, protects the press. It is the right of the tongue transferred to the hand: it ought to be as free as the air that we breathe. The privilege as unfettered as the organs of articulation. But what is there in the common law to protect from the aspersion of this animal with its foeted odour, perhaps the cause of epidemics?

The pole-cat man replied. It is on principle and by analogy, said he, that it is protected. Does not the law of water courses apply to this? If a man divert a stream from my meadow, or obstruct one running through it, so as to dam it up, and drown the grass, have not I a remedy? Shall this man at much expense and charge bring a beast from the mountains, tame it, or reduce it under his dominion, and apply it to a purpose in civilized and domestic life, and shall we say that the common law does not protect him in the enjoyment of its musk?

The advocate on the side of Porcupine rejoined. So use your own, said he, that you trespass not upon another man's. If you keep your smell, and hogs at home to your own nose, there is no objection. But in the nature of the thing it cannot be; for the air is the natural conducter; and therefore it cannot but exist a nuisance.

Surrejoinder; but after all, is it more a nuisance than the press, which it has in view to correct?

At this instant a commotion was perceivable amongst the multitude: not on occount of what was said, or meaning any disturbance of the debate; but the rumour was, that a fresh cat had been brought from the hills above the town, and was on its way to the pole-cat man who had offered a reward for an additional puss to increase his stock; and as it was conjectered, meant to play it off under the pretext that the prohibition contained in the armistice extended only to the individual beast that he had before in his possession.

The Captain, at this, rising, said: this is not fair. It is within the reason if not the express words of the convention, that all annoyances by steam, vapour or effluvia proceeding from a pole-cat shall be suspended during the pendency of this question; and it is an evasion to substitute another badger, and by that means attempt to elude the stipulation.

The pole-cat man got up to explain. It is far from me, said he, to elude or evade the performance of the stipulation. The fact is, that hearing a day or two ago, that Porcupine was about to enlarge his sheet, and for that purpose had employed a journeyman, more, I thought it not amiss to extend the scale of my vapour, and employ two conduits instead of one. For that purpose, I had sent to the woods for another cat, which is now on the way, but in a leathern bag by my directions, and not to have regress or egress, until this assembly shall dissolve, nor for a reasonable time after, that eundo, and redeundo or going. as well as coming, you may be safe, let what will be the issue of the controversy; whether I am to break up stock, or be suffered to go on.

This explanation gave satisfaction, and composed the assembly.

John Robeson the carpenter, who was something of a wag, now occupied the floor. I am, said he for supporting the press. The objection is, that it is a black-guard press. But while there are black-guards to write and to read, must they not have a press? Is it only men of polished education that have the right to express their sentiments? Let them write in magazines, or have gazettes of their own; but not restrict the right that people of a less cultivated understanding, have to amuse themselves and others with their lucubrations. You call us the Swinish multitude; and yet refuse us the food that is natural to us. Are there not amongst us those that have no relish for disquisitions on the balance of power, or form of governments, argricultural essays, or questions of finance, but can relish a laugh raised at the expense of the master of a family; or a public character in high station; if for no other reason, but because it gratifies the self-love of those who cannot attain the same eminence? Take away from us this and what have we more? What is the press to us, but as it gratifies envy? Is there to be an end to the lies, ribaldry and abuse, so necessary for the amusement of the people? One might as well attempt to put down bull fights in Spain, boxing in England, or beer drinking and smoking, in Germany.

I think said a bookish taylor, named Finnimore, now rising, I think the gentleman means to be ironical. But let us take the matter seriously. I am on the same side with him, but not for the same reasons. I take it that scurrility may be useful to those that hear it and are the subjects of it. It may bring to a man's knowledge, and serve to correct foibles that he would not otherwise have been conscious of. Men will bear from the buffoon or jester, things they would not take from a friend, and scarcely from a confessor. It was on this principle that in the middle ages of Europe, a profession of men was indulged in the houses of the great, called the Joculators. So late as the time of James I, we had one of these of the name of Archy. The Duke of Buckingham having taken offence at something that he said, had him whipped. It was thought beneath a man of honor to have taken notice of it and inflicted punishment. I consider the bulk of our editors as succeeding to the joculators of the early periods; and as the knights of character and dignity of those times were not bound to notice the sallies however gross of jesters; so now a gentleman is not bound to notice the defamation of gazettes; nay, as in the former instance, it was deemed uncourteous and unbecoming to resent what the fool said, so now what a printer chooses to publish. Selden in his table-talk remarks, "that a gallant man is above ill words. We have an example of this in the old lord of Salisbury, who was a great wise man. Stone had called some lord about the court, fool. The lord complains, and has Stone whipped. Stone cries, I might have called my lord of Salisbury often enough, fool, before he would have had me whipped." As in the case of the Merry Andrew, even when there was no wit, it was taken for wit; so now, when an editor means to divert, however dull his abuse, it ought to be the mode to laugh, to keep those who knew no better in countenance.

The Captain rising and putting himself in the attitude of speaking, seemed to claim the attention of the audience. I would wish to know, said he, how the ancients managed these matters; in the Republics of Greece and Rome, especially. For since I have been abroad and heard public speeches, I find that it is no unusual thing to draw illustrations from the sayings and doings of antiquity. In deliberative assemblies, talking of governments, they tell you of the Amphytrionic Council; the Achean league, the Ionian confederacy. What was the freedom of the press at Athens or at Rome?

The freedom of the press, said the latinist, interposing—there was no press at those places, or those times. The invention of printing is of a later date. But they had what they called the *stylum*—whence the word style—and they impressed their thoughts upon wax. They made use of ink in copying upon vellum and parchment. But notwithstanding the want of a press, they were not without satyric salt in their writings. *Cum grane salis*—as Horace expresses it. Nor are we to suppose that they were altogether free from what we denominate scurrility. They could call a spade a spade. Aristophanes was a black-guard. His comedy of the clouds is a sufficient specimen. Lucilius, amongst the Romans, was a rough man. *Cum lutulentus flueret.* Do we suppose that nature was not then the same as it is now? On board the Roman gallies was there no low humours? In the Roman camps none? In the Forum no occasional ribaldry? Would not this naturally get up into higher walks? Would not this creep into corporations? sometimes in verse; sometimes in prose. The poet speaks of the Fesscenine verses. Amongst the Romans the Saturnalia, or days of Saturn, became a festival in which it was allowable to exercise their faculties in all intemperance of language.

This is all wide of the question, said a little man with a short body, and long legs, known as Johney Cooper the leathern breeches maker, holding his hand upon his nose—It is, shall we tolerate the pole-cat in this village?—for in spite of all the pains that may have been taken to restrain the pet, and confine it by a matting, I feel a portion of the dregs this very moment, come across my nose, by a puff of wind from that quarer, where it is. I move that the question be taken whether, whatever becomes of the press, the nuisance of this beast be not suffered in the vicinity. For what can a newspaper do, compared with this? It is sent us and we read or do not read the publication. But this is involuntary, on our part, and there is no saving ourselves from the exhalation.

I move the previous question, said a civit-man; I move that the press be put down.

There is hardship both ways, said a respectable and elderly inhabitant, Mr. Gormly, the blacksmith of the village. In a community different interests will exist. Family interests; family attachments; party connections; and party interests. To have a printer all on one side, is an inequality. What if we prevail upon the owner, or as he would call himself the publisher of the pole-cat, to give up or sell out his establishment, dismiss the wild beast, or return it to the mountains, and institute in its place, a counter press of types and black-ball, that may be a match for Porcupine?

The Captain, rising hastily; a thing unusual with him; for he was naturally grave and sedate; but suddenly feeling the impulse of the congruity, he started from his seat, and seconded the proposition for another press; for said he, the very kind of editor qualified for such a press, is at hand; a waiter of mine. A bog-trotter, taken, not on the Balagate, but on the Irish mountains: an aboriginal of the island; not your Scotch Irish, so called, a colony planted in Ulster, by king James the 1st of England, when he subdued the natives; but a real Paddy, with the brogue on his tongue, and none on his feet; brought up to sheep-stealing from his youth; for his ancestors inhabiting the hills, were a kind of free-booters, time immemorial, coming down to the low grounds, and plundering the more industrious inhabitants. Captured by traps set upon the hills or surrounded in the bogs, attempting his escape, he had been tamed and employed in digging turf, before he came to my hands. I bought him from an Irish vessel, just as a curiosity, not that I expected much service from him; but to see what could be made of a rude man by care and patience. The rogue has a low humour, and a sharp tongue, with unbounded impudence. And what may be a restraint upon the licentiousness of his press, should he set up one, he is a most abominable coward,* the idea of a cudgelling will keep him in bounds, should he overmatch Porcupine, and turn upon his employers. He has all the low phrases, cant expressions, illiberal reflections, that could be collected from the company he has kept since he has had the care of my horse, and run after my heels in town and country, for several years past. What is more, he has been in France, and has a spice of the language, and a tang of Jacobinism in his principles and conversation, that will match the contrary leaning carried to an exorbitant excess in Porcupine. I do not know that you can do better than contribute to a paper of his setting up. He may call it the Mully-Grub, or give it some such title as will bespeak the nature of the matter it will usually contain.

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*There is no braver people than the Spaniards, yet Cervantes per

The School Master here put in a word. I am far, said he, from a disposition to spoil sport; but when the useful is mixed with the pleasant, I count every point gained.

Omne tulit punctum—

I never had intended more, said the pole-cat man, than to reach the sensations of the multitude, and bring them to their senses. It is only by an appeal to the sense of feeling that the mind sometimes can be awakened. The public have now some idea that the licentiousness of the press, is not more a nuisance in the moral, than offensive smells are in the physical world. I shall agree that the cat be removed, and as a substitute, shall subscribe to the Mully-Grub.

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resents Sancho as a coward. It was necessary to the character, for personal courage carries, with it in spite of us, a sort of respect.

CHAPTER III.

The Captain feels dissatisfied with himself for offering Teague as an Editor, but is unexpectedly relieved by the flight of Porcupine.

The day after the town meeting, the Captain began to re-first, that he could not avoid being implicated in the character of the paper about to be established. O'Regan was known to be his servant; at least to be under his influence, and he would be considered the real editor, and Teague the ostensible; and though the fact was known at home, that he had nothing to do with it, yet abroad it would bear a different construction, and refutation would be difficult. Having supported the character of a gentleman, and being still willing to support that character, how could he endure to have the volumes of scurrility, that would appear, imputed to him; or supposed to be admitted with his approbation? Uneasy with this upon his mind, he could see no way to get out of the labyrinth in which he had involved himself, by inadvertently proposing Teague. He thought it however his duty, to disclose to the bog-trotter, the office to which he was destined. Maintaining good faith, he was unwilling to make use of his influence to dissuade from the undertaking; or to deter by representing the danger that existed, and the consequences that might ensue. This he could easily have done, by suggesting the guillotine, or even a cudgelling, or lynching, the more common kind of wild justice in this republic. But good faith forbad.

But what was the amazement of every one, when news was brought that Porcupine had decamped in the mean time! Whether it was that the talents of Teague had been magnified, and he did not chose to engage in competition with one so much his superior, lest he should lose by comparison, the reputation he had acquired; or what is more likely, the constables were after him for debt, his press and types having been seized the day before, and sold for rent, and new demands of a smaller nature coming against him, fines and penalties also hanging over him for libels; and damages recoverable in actions of defamation; but so it was, that he had disappeared.

We are thus sometimes unexpectedly relieved from difficulty without any agency of our own, after having looked in vain for a way to escape. As in the case of Sinbad the sailor, a hole to creep out offers itself in the very moment of despair.

The captain was relieved from the embarrassment which he had endeavored to conceal, because he now saw a way open to set aside the idea of a press, which he had reason to apprehend his bog-trotter would not be competent to conduct with reputation.

Townsmen, and fellow citizens, said he, (taking advantage of an assemblage of the people which took place on the occasion of a horse-racing, a few days after the town meeting,) I am glad that the reason has ceased, on which we proposed to act in the affair of the press. That is to say, the setting up of the bog-trotter in the capacity of an editor as a match for Porcupine, for he has disappeared; and what need we buff at the bear when there is no bear to buff at? Unless indeed we could set him up, expecting from him a chaste and pure paper containing solid information, and strictures useful to the republic. But that, from his education and manners, we have no reason to expect. It is true, if he had sense to collect the ideas, and give them expression, he has had opportunities to observe what if known and digested, might essentially serve to preserve from extremes in a free government. He has seen the folly of the people of France, if, those occasionally thrown into the representative assemblies, could be called the people. He has seen the folly of these in reducing all things to the first elements instead of accommodating to existing establishments; of deracinating from their foundation church and state, and bandying the term liberty, until ignorance and usurpation terminated in despotism. For though at the commencement of a revolution, active and uninformed spirits, are useful, or perhaps absolutely necessary, like the subterranean fire throwing up continents; yet as in this case, the fostering dews, and the breath of the atmosphere, are necessary to give soil and impregnate with vegetation; so after the stirrings of mens' minds, with a political convulsion, deliberate reason, and prudent temperament are necessary, to preserve what is gained, and turn it to advantage. But this sans culotte, for so he was called in France; and well he might; for he was without femorals when he went away, and when he came back,—this sans culotte is not a Mirabeau. He has kept no journal; he has made no observations except of mens' heads chopped off by the guillotine. He has brought back little with him, except, ce que dit; que ce vous la; donnez moi, kick shaws, and such like. I think we are well off with him and let him go to his vocation.

CHAPTER IV.

Reasons for continuing this history. The author discourses of the means of public instruction for the people—the pulpit—the press—and the courts of justice.

Captain Farrago being now at home, we must not look for those stirring incidents by flood and field, which give interest to the lives of heroic men. Indeed, I know not whether, I should have troubled myself further with the Captain and Teague, but for the purpose of recording some of the ideas of the Captain for the improvement of the community, suggested by a patriotic feeling. It was the practice of the ancient Greeks and Roman authors, to introduce speakers in a dialogue, occasionally at banquets; or as the philosophers in their walks and conversations, moralized in parables, and feigned cases, a way of reasoning, and address, less offending the self-love of men than what has the appearance of immediate and direct instruction. Nor will the publication of the foregoing hints on the illiberality of the press, be thought even now, altogether useless; for though since the escape of Porcupine,* and the death of Callender, there has been an ebb of this flood of scurrility, yet dropping the figure, the American press has not been wholly free from the stains of the like paragraphs. The application therefore may not be wholly without an object, and in the painting there may be seen some existing resemblances. For though, as the almanac-makers say, "it is calculated for a particular meridian, yet it may, without sensible variation, serve other latitudes." No man can have a higher opinion of the dignity of station occupied by the editor of a paper under a free government, than I have. I think it is one of the most honorable, as well as the most useful in society. I am unwilling therefore that it be degraded, and I am happy to observe that the example of the two monsters mentioned, has had the effect to disgust the public.

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*Cobbett.

I take the pulpit, the courts of judicature, and the press, to be the three great means of sustaining and enlightening a republic. The Scriptures are replete with the finest sayings of morality, which give them a value beyond all other writings. It is true with one of the Greek and Latin School, it is pleasant to quote the classics, applying them appropriately, at the same time storing the mind from them, with apt thoughts and terms of expression, as from a treasury or unfailing mine. Yet the sacred writings, of an Oriental cast, contain pithy observations upon life and manners, than which there can be nothing more delightful to remember and quote, and more profitable to carry into practice. Reading the Scriptures by young people; hearing them explained and introduced by quotation, sermon and lectures from the pulpit, raises the affections to virtue, and forms the judgment in the conduct of life. They inculcate the great truths of an overruling Providence—of an eternal principle of justice—and of the immortality of the soul. The Bible should therefore be regarded as the firm basis of public instruction in the commonwealth.

The courts of judicature are a school of justice and honor. A great ground of the law, are the principles of universal justice. The arguments of counsel, the verdicts of juries, and decisions of judges, applied to particular cases or transactions; it is ethics, or moral philosophy, teaching by example. The service on juries, is a great school for the people, where every citizen in his turn is a judge, and learns his own rights, and to respect the rights of others. The decisions of the courts, have respect to the great principles of moral honesty. But the sphere is confined, compared with that of the Press, which has a vast range; and for this reason ought to preserve the greater delicacy in language and sentiment. Even the war of the sword has its laws—it is not allowable to poison springs, or the means of life. In a paper war, nothing is justifiable that does not tend to establish a position, or determine a controversy; that which outrages humanity, is the cruelty of a savage, who puts to death with torture, or disfigures, to glut revenge. We have seen even religious societies, when not enlightened by moral philosophy, do very wicked things, and apparently with a clear conscience, as in the case of witch burning, or the persecution of heretics, that is, of those who differ from them in religious dogma. The Christians of Abysinia, according to Bruce, have their creeds, and religious observances; and yet in morals are worse than the savages around them. It may be said, that it is not the right kind of Christianity; but how can we judge but by its fruits? And those fruits must be judged by their good or evil effects. Captain Gardner, a pious man, for many years was engaged in the slave-trade without suspecting it was wrong. It is to the practical exercise of righteousness that I give the name of moral philosophy, for want of a better term. Civilized manners and enlightened opinions, are fashioned by it, and these even give a character to Christianity, to which the seed of that true philosophy is to be ascribed. The writings of all our moral writers, Addison, Johnston, and even novelists, as well as our moral sermons, have this tendency; while mere metaphysical doctrine, is comparatively barren in its effects on life, and manners, or morals.

To know what may be said in a paper, or in what manner it may be said, the editor whom the public alone knows, need only consider what would become a gentleman to say, in promiscuous society. Whether conversing in the manner he writes, or in which, what is inserted, is written, he would be heard with respect, and treated with civility. Good breeding is as necessary in print as in conversation. The want of it equally entitles to the appellation of an ill-bred man. The press can have no more license than the tongue. At the tribunal of common sense it has less, because an expression might escape a man, which might receive pardon, or excuse, as the offspring of inadvertance; but writing is deliberate, and you may turn back and strike out the allusion, or correct the term.

National character is interested in the delicacy of the press. It is a disgrace to a people to have amongst them volumes of scurrility circulated through their post-offices, with a peculiar privilege of centage, placed upon the benches in our public houses, or sent home to our private dwellings.

Is this the occupation to which it ought to be an honor to belong; to which a father would wish to put a son, having educated him with the best advantages, and giving him, as he had thought, a duty as sacred as the priesthood, and with a more exclusive sphere of action, than the barrister; having it in high commission by the constitution of his country, "to canvass the conduct of men in public offices," and inform the public, "where the matter is proper for public information."

It does not follow, that because a man takes a paper, he approves of all that is in it. It is certainly censurable to contintinue our subscription to a paper, the prevailing tenor of which is defamatory of individuals; but were we to reject a paper because it is occasionally so, there are few papers that we should take at all. The American press has been most abominably gross, and defamatory, and there are few publications of this nature, that have been at all times unexceptionable. A man will be astonished sometimes to hear of himself, or of others, what has not the slightest foundation, but in the invention of the paragraphist. There may be some prototype, filmy origin to the unsubstantial fabric; possibly not even a vapour, but in the breath of the defamer. Is the assassin odious, and not the author of anonymous abuse? Yet such is the error of opinion with some, that they think it not dishonorable to attack anonymously. It is cowardice in a free country, where the law is equal; where no censure exists to make it necessary to conceal the author of the pasquenade. A brave man will scorn subterfuge and concealment. An honest man will own himself and his opinions.

CHAPTER V.

Teague is dissatisfied with not being an editor. He is persuaded by the Captain to turn author, and compose his memoirs of adventure in France. The good advice of the Captain on the occasion.

There was one person dissatisfied with the arrangement just related, and that was Teague. He had got the notion of subscriptions into his head, which would bring ready money; as for the editorship, he never troubled himself about it. Teague, said the Captain to him, if many a man had what you have in his power, he would make a fortune by it. You have been in France, and what is more in the concierge, after playing a conspicuous part in the revolution. That itself would fill a volume. If you want subscriptions, why not for that? It will sell for ready money, and bring a pretty penny these times.

In troth, said Teague, and it would make a book as big as de praste's mass book, if I was to tell whatever I saw dere wid my two eyes. Divil a sowl would belave what I did, among dose French, dat are always jabberin wid de brogue on der tongue, and say noting. Wid der footers, and parblues, I'd make a book as big a horse-block.

Well then, Teague, said the Captain, you must set about it. The first thing you must consider is the manner in which it will be written; whether your narrative shall be in the first person, as, "I did this," and "I did that," or whether in the second person, as it were speaking of you, "O'Regan having done so, or made an observation to this effect." And whether it should be in the way of continued narrative with chapters, or in the shape of a journal, or be cast in the way of letter. For all these modes of writing are used as best suits the traveller; or may be thought most pleasing to the reader. One advantage you will have, that you need not stick pertinaciously to the truth; for travellers have a license to deviate; and they are not considered as on oath, or upon honor in giving their accounts. Embellishment is allowable; some illuminations of the narrative; though confining yourself to the truth strictly, I make no doubt your story will be sufficiently extravagant, and of course border on the marvellous.

The fact was, that the bog-trotter had incidents sufficient to enliven his history. He had been in the suit of Anacharsis Cloots, he had been taken up in a balloon some distance from the earth, and let down by a parachute, instead of a sheep. It is true, this was not with his own consent, but by force; the Parisian thinking it of little account whether the experiment was made with him or a less valuable animal.

It would make a book to exhaust these particulars, and many more that occurred. The Captain having recommended the work, was concerned to have it accomplished with some credit to those concerned, and therefore thought it advisable to give the author some hints before he entered on the task.

Teague, said he, the first thing to be thought of, is a place to write. The extremes are two, the cellar and the garret. The cellar was chosen by an orator of Greece, to write his orations, or at least prepare for the writing them; for in this, he is said to have copied over eight times the history of Thucidydes· Whether it is the darkness, or the solitude of the cavern, that is congenial to the talent of writing, may be a question. I should think, however, that the ærial mansion of a garret is most favourable to the lighter species of writing, such as madrigals; or paragraphs in magzines, or novels. But as yours is a serious work, it may be above the subterranean, and below the firmament. Perhaps a middle story may suffice. It will depend, however, on your head. If you find yourself light, go down; if heavy, mount; and thus adjust your apartment to your feelings. The wasp chooses the garret; but the spider is found in the cellar; and his weaving is an emblem of the composition of an author.

As to style, just write as you would speak, and give your account with simplicity, without affectation; understanding your subject well, and use no more words, than are necessary to express your meaning.

As to paper whether common or woven; or as to type, whether single or double pica; these are terms I do not understand, I see them in advertisements, and that is all I know about them. Whether duodecimo, octavo, or folio, will depend upon the bulk of what is to be printed.

CHAPTER VI.

Which treats of village matters. Captain Farrago is not pleased with some things.

Captain Farrago, had now been some weeks at home, making enquiry into the history of the village; what changes in the domestic affairs of his neighbors; what good and bad fortune had happened to individuals, at the same time walking through the town, and observing the improvements, or delapidations in the buildings or streets. It was obvious that little attention had been paid for some time to public works, the footways were neglected, and the water courses filled up, and gullies made in some places by the rains. The fountain which had been begun, on the side of the hill, where there was a fine spring, had remained unfinished.

What can be the reason of all this, said he to the citizens; It was answered that the chief and assistant burgesses had been extravagant; that the works, by charter of incorporation they had the power to project, were extensive, and the consequent taxes which they had a right to impose, and which became necessary, were thought oppressive. The people had left out these officers at the annual election, and chosen new. That these wishing to preserve popularity, had let all matters rest, and had neither made improvements, nor raised taxes.

And will this please always? They have turned out one set for doing too much; and they will turn out the next for doing nothing.

But why not hit a medium? said the Captain. A difficulty occurs continued the speaker. In the works projected, the people insist that no man shall be consulted in his own occupation. The mason shall make out the bills of scantling; and the carpenter determine the arches of a stone bridge.

That is, said the Captain, as in a city that I passed through in my travels. The physicians claimed a right to judge of laws, and the lawyers of physic: reversing the maxim, that every man is to be trusted in his own profession.

This is republicanism run mad. The sovereign people would do well to imitate other sovereigns, at least in this: that they trust even foreigners in the arts, and not by an unreasonable jealousy, lose the advantage of judgment, which is not in the nature of things, that they themselves can possess.

Political divisions will always exist. It is inseparable from the nature of a community. And it is not in the nature of things that the power can be long on one side. *The duration depends upon the judgment of using it.* The people will revolt from themselves when they find they have done wrong, and that side which was now the weakest will become the strongest.

CHAPTER VII.

O'Regan engages the schoolmaster to do the writing of his memoirs, and proceeds to obtain subscriptions. The Captain visits the principal of the new acadamy.

Teague not being able to read or write, found this circumstance at first in the way of being an author, but he succeeded in engaging the services of Martin the schoolmaster, and in the meantime employed himself in obtaining subscriptions which his stock of blarney facilitated.

Among the advertisements on the tavern and shop doors, the Captain observing one day, the want of a suitable person in the newly established academy, as it was styled, to instruct in the French language, was led to reflect that after dictating his memoirs, Teague would be out of employment, and that a vacancy of this kind might tally with his faculties, having been in France where the language itself is spoken by man woman and child, and that his attainments must be superior to those who have acquired the tongue from dead books, when unaccustomed to the sound, resolved to visit the principal of the academy and propose for Teague.

The Principal received him politely, but was not a little surprised as may be supposed at the proposal, after the Captain's description of O'Regan. He could easily comprehend the incompetency of this man to teach the language in a school of of learning, where it is expected to be taught grammatically; and the absurdity of taking his lingo, for French, if he had the brogue in that pronunciation as he had in English. But it might not be an easy matter to convince the Captain of this, who appeared to have an undue opinion of his acquirements. Nevertheless he endeavored to make himself intelligible on this subject, by observing that there was a wide difference between a public professor in a college, and a private tutor who attends pupils occasionally; that in a seminary of learning, the rudiments of a language were usually taught by rules; and it was an object to understand the parts of speech into which the tongue was divided; the use of the articles, if there were any; the inflections of the cases, the variations of the genders; the conjugations of the verbs; the concords of syntax; and after all this the idiom, or peculiar phrases and structures of a sentence; that from what the Captain had informed him, and and what he himself had gleaned from others, of the characteristics of his subordinate, the academy was not his province, but the village. He might employ his talents to advantage, instructing young gentlemen and ladies in the French tongue, at their houses; with a grammar and without a dictionary; or without a grammar; and with the voice and diction only. For in fact it was of little consequense how they were taught; for they would learn nothing; and barbers and tumblers that had come in and undertaken to instruct, had done as well as wiser masters; for they had amused their pupils; and amusement was all the pupils would be willing to receive. Enough if they can get a word or two that sounds like French, to throw out to a lady in a dance; as, parlez vous madam; or s'il vous plais.

Captain Farrago, readily admitted the truth of these observations; wondered that it had not struck him before, and excused himself in the best manner he could.

It may be a digression, said the Captain; but it is a useful inquiry. Do you conceive that the American youth are too hastily manufactured, and come forward too soon into life?

Unquestionably, said the Principal. Education here is unnaturally hastened. Our minority is too short to make a great man. "We overstep the modesty of nature," and suffer our young men to come forward into councils that require the heads of age. Hence our juvenile speeches in debates. Hence the wild fire in our councils. The young gentlemen of the village are above learning, as soon as they have got on a pair of pantaloons, and half boots. They are out of their education, and *men before their time.* We had an election the other day, for a chief burgess. It was a matter of astonishment to those of the old school, to see a youth come forward, born after his competitor had been ranked with the sages of the village, and claim the suffrages of the citizens. It had an unfavorable effect upon the very dumb creation. It was not enough that the lads under age, began to raise their voices and vociferate; but it seemed that the young of animals had gained upon their growth, and were old before they had attained muturity. The young dogs barked more; whether it was from an impression of the atmosphere; or an imitation of the sounds of men.

CHAPTER VIII.

While O'Regan is engaged in his memoirs, the Captain turns his attention to other subjects. The blind lawyer and his lecture.

To give the bog-trotter time to prepare his history, the Captain turned his attention for a while to other objects. There was an old lawyer, having lost his eye sight, and fallen into poverty, who had came to the village, offering his services with occasional advice, and now and then a lecture on legal subjects, for a suitable remuneration. He was joined by a blind fidler, who answered the purpose of collecting an audience, which soon growing tired with the music, were disposed to hear the lecture. Lawyer Foster was not without talents, and even learned, but could never turn his profession to profit, in consequence of having too rigid a conscience; he would always discourage law suits; if the client was in the wrong he would order him to do justly, and if he refused, he would decline his case. But the worst was, that he could never stipulate for fees; they were either voluntarily, or nothing.

It might be a matter of surprise that the lawyer although learned and skillful, had not grown rich in his profession. The reason has already been given. In addition, it may be remarked, that money will not stick to some men, especially with those, as was the case with the lawyer, who think more of the pursuit, or art, than of the gains, and this is often the case with men of the highest genius, who are neglectful of their own interest.

It is doubtless a general rule that the way to be rich is to excel in your profession, and whoever excels may in general be rich, and it is a folly not to make this use of it. But we see that with all the lovers of the arts, painting, music, statuary, eloquence, there is a neglect of riches, the mind carried off from the love of money, is placed upon the art itself. The main chance is overlooked; and it is only late in life that the folly is discovered by the person himself, though others had been remarking it all his life long. But though not profitable to the professor, to cultivate an art for its own sake, yet it is useful and pleasing to the world; and Quintillian, who has left us a book on the eloquonce of the bar, is more valued, because he has given more pleasure to those who have come after him, than others who have made perhaps more by their practice, but whose memory has gone with themselves, at the same time that their estates went to others.

As a sample of the lectures of the blind lawyer, we shall give the following.

THE LECTURE.

It is necessary to comprehend perfectly the facts of the case, and this to enable;

1. To frame the action; trespass, or trespass on the case; &c.

2. To frame your declaration: that is, to put a precise statement of the cause of action upon the record.

3. To examine the witnesses. preparatory to the trial.

I say nothing of the science necessary to draw a declaration; though there is great delicacy and beauty in making a legal statement of your cause of action with brevity, perspicuity, and technical correctness. Nor do I mean to touch on the vigilence on your part, or illiberality to your adversaries, in conducting the cause to issue and trial, taking rules and giving notice. This is not the state where all advantage is fair. These are preliminaries to the contest, and as in the wager of battle the combatant makes oath, that he uses no enchantment; so a liberal lawyer will disdain to avail himself of an oversight or take a catch which has no effect upon the merits of a cause. If he observes a defect which it becomes necessary to amend, in civil cases, he will point it out and give leave to do it. This I grant he is not bound to do; but it is for the credit of the profession that such liberality should be cultivated, and justice will lose nothing by it.

Preparatory to the trial, a great point is, the examination of the witnesses to be adduced by your client; such of them as are willing to say what they know, prior to their being called in court. It is of moment for you to know what you can prove by any of them, that you may bring them to the point immediately; and save the time of the court from impertinent relation. It is necessary for the sake of your client to sift them well, and know the testimony they are about to give. The counsel above who has thus sifted them, should undertake to examine. When then the conduct of the cause, rests with me, and the responsibility, I would suffer no assistant to ask a question of my witnesses. Let him take his turn, and fill up his part in cross examining the witnesses of the adversary. When the testimony is closed in a jury trial, the cause is usually lost or won: and a single question injudiciously put, may have been the occasion of losing it. Yet there is nothing more difficult for a leading counsel than to restrain the impetuosity of his associates, and their avidity to ask questions.

It is a matter of great judgment when a witness has answered well, to let the answer rest. It is favourable to truth to let it rest; for by putting it again, and again, you confuse the mind, and you may get the very reverse of what he had before said; at least you may get it so disturbed, as to be unintelligible, and do you no good.

If it occur to an assistant counsel who has not previously examined, that a question may be put with advantage, he can suggest it to the leading, or examining counsel, and leave him to judge. The wish of seeming to be doing something for his money, is the cause of that propensity to interrogate, that prompts improperly to take up the examination.

The taking down the testimony is so managed as to consume time unnecessarily in our courts. Each concerned in a cause, must take down and wait for all. The testimony must be taken as if it was to be read again to the court, or sent to the jury in the style of a written deposition. Unnecessary matter is taken down; for there are seldom more than a few sentences in the testimony of a witness that are material to the cause. But it is to seem very busy, and doing something for the client, where in fact nothing is done that leads to an ostentation of taking down, even when there is nothing to take. I have actually known this to take place at the bar.

Well; what do you know of this matter?

Why, in fact, I know little about it.

Stop, stop a little, let me take that down.

Well; you say you know little about the matter.

Nothing at all—only—

Stop, stop, let me take down what you have said—

A thing like this exhausts the patience; yet it is difficult for a court to correct it. It must depend upon the good sense of the counsel themselves, to select and confine their notes to what is of substance in the evidence.

The greatest effort in the management of a cause, is the taking exception to evidence. For this purpose, it is necessary that from the commencement of the trial, the leading counsel lies by; thinks much; says little; bends his whole mind to preserve himself unruffled: sets forward the junior, and assistant counsel to spar where it may be necessary; to make prolusions, and gain time.

As for instance; a piece of evidence is offered. It strikes the leading counsel, that exception lies against it. But he is not clear; nor is he prepared to support the exception. An assistant counsel takes the exception. It is run down and completely answered. Not a word more: but the leading counsel has had time to consider.

If he had not thought proper to give it up; he would have risen in full force.

And if he had been answered with some show of reason, the assistant would have rejoined, and done justice to the argument. For let it not be thought that though I mark the parts of the assistant counsel, I do not well know that the greater lawyer, may have the subordinate part assigned him; or may fall into that place, in the management of a cause, on the trial. The greater general may happen to have the command of a detachment only; or be employed to bring on, or relieve, in the course of an engagement.

For law is an image of war; and as in war the greatest praise is to discharge your duty wherever it may be assigned; so, on a trial. A column standing still, and never brought forward, or discharging a shot, but simply keeping ground, may have done the real execution, and gained the battle. A thought suggested is sometimes more than argument.

Who can tell the value of a single thought, of a single ray of the celestial light of genius? It may show the port in the storm—It may decide the victory in battle—It may be the pregnant seed of mighty events.

But, nevertheless, elocution has its place, and noble praise. It is delightful to hear one speak well where he ought to speak.

"The words of the wise are like nails, fastened in sure places." Great indulgence must be made, for young pleaders; but I have it in view to treat, not of what is to be indulged, but of what is to be approved. Brevity is the soul of eloquence, and amplification, the usual fault. Few err in saying too little. Tediousness is the more common extreme; padding, and beating on the point. After a passion is excited, there is a danger of "tearing it to rags."

The opening of the case, before the evidence is introduced, is a matter of some delicacy; a principle is brevity; and stating the proper proof, rather below what it will turn out. When disappointed in the expectation raised, the mind is dissatisfied, and with difficulty can do justice to what is proved. It is in the application of the evidence that eloquence finds her province at the bar. And yet here it is that less harm can be done by weak or unskilful advocates, than in any part of the contest. The court and jury are attached to the evidence. The mind is steadfast upon this, and if a flourisher runs off, he may talk; it is only a loss of time. It is here that less experienced counsel may be suffered to amuse themselves; and can do little harm, more especially if there is some one to follow to review the facts, apply the law, and clench the argument. The harm that can be done, is to weary the mind, and relax the spring of attention. This is mischevious; but cannot well be prevented. The councel must be heard. But there is much less danger to a cause, in this, than from an injudicions touch in the conduct of it, through the evidence.

With regard to reading authorities in the opening, or reply; or in the conduct of the trial generally, I have but a single observation. It is better to adduce no authority, at all, than one which has a doubtful application, because it brings in question the discernment of the counsel; and gives an opportunity to the adversary, to flourish and run down. General reason is a safer ground, than doubtful decisions.

CHAPTER IX.

Uproar in the village for abating all nuisance, learning among the rest. They threaten to pull down the church. A levelling phrenzy prevails.

A great uproar in the mean time had taken place in the village. The abatement of nuisances had been the subject of common conversation since the town meeting. It came so far, that an incendary proposed to abate, or burn down the academy, which had been dignified with the name of College, not on that account, but because they alleged that all learning was a nuisance, enabling some men to know more than others, and therefore against the democratic principle of equality.

A town meeting was called; and whether from a wish to see a bon-fire; or from the envy and hatred of the ignorant, the proposition, however unreasonable and illegal, had its advocates It had been actually carried, and a person was now on his way with a brand lighted to set fire to the building.

The alarm was given; and the more considerate rushed out to prevent conflagration.

Force was in vain; and reason avails little with a mob. The best way to oppose their resolution, is indirectly, by turning the current of their thoughts aside, and to the attaining the same thing in another way. The principal and professors had harangued in vain. It was threatened that if they did not stand ont of the way, they would burn them with the college.

The captain had come up; and venturing to speak, citizens, said he, it is not for the college that I am about to speak; it is for yourselves; your object is to put down learning; and do you know that it is put down already? Why will you do a useless thing? It is calling in question your understanding, to do a needless mischief.

Is not learning put down already? The methodists are the best preachers. Take a horse-jockey and in two weeks from the jump, he is in a pulpit. No need of Latin, Greek, Hebrew or polyglot bible; systems of divinity; a commentary, a treatise, an essay, or a dissertation: all is plain sailing now.

All this tends to put learning down, so that you have all the advantages of this, without the trouble. Why burn the college?

The building will serve useful purposes, when the professors are driven out of it.

Politicians say, that though they have no learning, they feel no want of it. Is it to be supposed that a workman does not know whether he wants tools? All this ends when learning and law are put down. Trial by battle must regulate society. We shall then want barracks and hospitals. This building will accommodate invalids.

I do not know, said a sedate man and a church elder, whether after all, a little learning may not be in some cases, useful *It is a great help to weak people.* I have seen a book, entitled, *Huke's and e'en to had up crippled Christians breeks*; That is, hooks and eyes to hold up breeches; alluding by the the bye, to hooks and eyes which were in use before buttons. What are called gallowses, have succeeded to the assistance of buttons, but have not altogether superseded them. Not that I mean to insinuate that the disuse of hooks and eyes, lead to the gallows in the proper sense of the word, any more than that learning does. Though many a man that wore buttons has been hung. Perhaps more without buttons than with them. But I mean to say that a young man, before he comes to the years of discretion, may as well be employed in learning to make marks upon paper, as playing at nine-mens-morice, and it does him no more harm to try to read Greek, than to trace partridge tracks. The mind must be employed in something to keep it out of harm's way, and reclusion in a seminary is useful, if for nothing else at least to keep young people within doors, which the academican could not easily do, unless,the device of books was used to beguile the hours of study. And though a great part of their learning, is but the knowledge of *hooks* and *crooks*, yet the exercise of the *mind, renders them more expert in thinking*; and though Latin is of no more use to raise the devil than English, now a days; yet it is a gentle exercise to learn it, and makes the boys grow faster. It keeps them from their mothers who are apt to spoil their offspring by too much indulgence. The idea of getting a task, accustoms the mind to obedience. Now there are some branches of science that are really useful, such as speaking and writing intelligibly, and casting up accounts. Nor is the time altogether thrown away in learning mathematics, especially the theory of the mechanical powers. Some are of opinion that this study has been of great use in navigation, and hydraulics. The ancients found their account in it, in the construction of the Catapult. But, at least, what harm, in letting pedants chop logic, and boys laugh, in the seminaries ? A hering pickle, or a merry Andrew, is allowed to amuse people, and we do not pull down their stalls. A ventriloquist is suffered to take his dollar from us, and we make no remonstrance. Lectures on moral philosophy are at least as innocent as this. I do not know any better recreation for a lad of mettle than to listen to a dissertation on eloquence, or discourse on chronology, and history. It sharpens his wit to talk over affairs with his equals. But there is one reason that serves for a hundred. It is not every one that is born a genius, and can do without the help of education. I am therefore for continuing these crudities a little longer. When we can afford it better, we can pull down the college.

This speech had a good effect and the mob retired.

But before they were aware, the flame had broken out in another direction. The mob retiring, had entered into altercaton amongst themselves, and began to blame one another. Some, for not going to burn the college, and others, for having thought of it at all. In opposition to the last, the first grew outrageous, and began to exclaim, and to curse and to swear, and said, damn them, but if they had not burned a college, they would burn or pull down, the church, or meeting house. They had actually prepared faggots, and were on their way a second time, to execute a new mischief.

The alarm was given, the chief burgess, and assistants, and respectable inhabitants assembled. Great reliance was had upon the Captain, from his success, in the former instance; and when the two forces, that of the mob, and that of the community stood face to face, and were in opposition, ready to fall on, the one to commit waste, and the other to defend, he was called upon to come forward and harangue.

He obeyed instantly, but was well aware that a stratagem in war cannot succeed a second time, and therefore instead of attempting to decoy and turn aside their passions, thought proper to attack them directly by the opposite, fear. Madmen, said he, what do you mean? Is it to rob, plunder and murder that you have assembled? Come on; but in coming you must meet with this weapon, brandishing a rusty cut and thrust, which he had carried on muster days; I am come alone, but the armed militia will soon be here.

I am at all times however, averse from the use of force until it becomes necessary; I am willing in the mean time to hear reason. Why is it that you would pull down a church and abolish the christian worship in the village?

It is not our intention to abolish christianity, said a tanner and currier, with his leathern apron on, but to put down the preacher at this place: who is not an American republican, but quotes the English commentators in his sermons, Henry's annotations on the Bible; Burket on the New Testament; Pool's Synopsis, Tillotson and Baxter, and many others. We wish to abolish these, and have nothing but our own commentaries. Are we to be drawing our proofs from under a monarchy, and referring to tracts and essays published in Great Britain? Have we no sense of our own to explain texts of Scripture, and apply doctrines? It is time to emancipate ourselves from these shackles, and every man be his own expounder, or at least confine our clergy to the Bible and the Psalm book, or such of our divines, as have written amongst ourselves, and are of our own manufacture in a republican government.

Religion, said the Captain, is of no government. Wines are the better for being brought over seas, and our best brandies are from monarchies. Where was the cloth of this coat made? Will you reject a good piece of stuff because it came through the hands of an aristocratic weaver? These are false ideas of what is right, and useful to mankind. The common law is not the worse for having been the common law of England, and our property and birth-right which our ancestors brought with them; nor is our Bible the worse for having been translated under James the first of England, which translation we still use, and from which we repeat all sentences of Scripture. Nor are systems of theology, or harmonies of the evangelists the worse for having been written in another country. Why do we use the English language? Is it not because we cannot easily substitute another; or have no better to substitute. The Shawanese, or Delaware, or Piankisha, may be softer, but not so copious or of equal energy and strength. But even if in all respects superior, can we by an act of volition, transfer it into common use and make it all at once, our vernacular tongue?

The more violent however were still disposed to burn down the church; but the torch in the mean time had burnt out, and before another could be procured, the crowd began to disperse, and the church was suffered to stand.*

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* It may seem incredible to us at this day, that there should ever have been a popular outcry against education, but such is the fact. It was publicly declared in the State Legislature, by an honest German farmer, "I hates all larnin', and larnt mens; it is only goot to make a man a roke." A few years after there was a similar outcry against the common law, the judiciary, and the lawyers. The cry of our day is down with banks and incorporated companies, which are called monopolies by the demagogues. The object of the author was to place in a ludicrous light, these epidemic follies of the people. The ocean of public opinion is subject to such flaws and whirlwinds. It must be admitted that popular governments are less steady in purpose and policy than more concentrated forms. But then there is abundance to compensate, and who would make the exchange? We must look for other virtues to make amends. Less must be expected from the government, and more from the people themselves. The author constantly inculcates the idea of the superiority of democracy over monarchy, while he labors to correct the errors of the former. The great corrective, in his opinion, is the diffusion of just sentiments among the people—popular education—general intelligence, and correct morals. He declares that an en-

CHAPTER X.

A sample of the Memoir of O'Regan.

O'Regan and the schoolmaster being suddenly interrupted in their work by the uproar before described, had left the unfinished manuscript on the table. A wag happening to step in, read a part, and then continued where it left off by writing the following, which will be thought no way inferior to the rest. The schoolmaster had resumed his labour without observing the interpolation. The subject in hand had been the ascent in a balloon, and the addition was as follows:

——"Passing a cloud, I put out my hand, and took a piece of it, and squeezed it like a sponge, and the water ran out freely. As we ascended to a considerable height, the sun went north about, but never set. At the distance of about fifty miles above the earth, we saw a beautiful white bird setting on the corner of a cloud, and took it to be one of Mahommet's pigeons. If we had a gun we could have shot it. Passing by the moon we saw a man selling land at auction. He wished us to give a bid, but we declared we had no desire to buy lands in the moon. We came across a comet, it appeared to be asleep; it had a tail like that of a red fox, but much longer.

"About a hundred leagues from the earth, the balloon struck against a wasps' nest, and we were in great danger from their stings; fortunately we were blown off by a sudden flaw of wind.

"Coming near a hail bank, we filled a hat; some of the hail stones were as large as goose eggs.

"About a thousand miles above the earth, we passed through

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lightened constituency alone can make an enlightened and honest representation. The more enlarged the right of suffrage, the higher the degree of general intelligence necessary to sustain the government. Where this is wanting, it is but a deceptive form.

a field of turkey buzzards. This seems to be their region; and accounts for the circumstance that no one has ever found one of their nests.

"As we approached one of the heavenly bodies, it looked like a small island in Loch Swilley. We next struck upon a planet, but Blanchard got out, and shoved off the balloon. We supposed it to be Mercury, as we heard orators haranguing, and a multitude of tongues.

"There were marriages going on in Venus, and in Mars we heard the drums beat.

"In Jupiter we heard swearing—O! Jupiter! Proh Jupiter! By Jupiter!

"We meant to have a pull at one of Saturn's rings, but were blown off our course, and found ourselves in the latitude of Herschel. Provisions failing, we thought proper to shape our course to the earth.

"The first thing we saw was the forest of Ardennes, which appeared like a shamrock. The Pyrennees mountains seemed a bed of parsley; and the Atlantic ocean about the size of a large duck pond.

"Within about a furlong of the earth, Blanchard gave me the parachute, and I came down. It was in a field of corn among reapers. They took me at first for the sheep, that had been sent up in the balloon, but finding their mistake, invited me to breakfast."

CHAPTER XI.

Captain Farrago pays another visit to the blind lawyer. The common law explained. The conversation broken off by a new disturbance.

Having now a little time upon his hands, the Captain thought of repeating his visit to the blind lawyer, and happening at an interval of the blind man's lectures, he drew him into a conversation on the subject of the law. What is this common law, said he, which you speak of, and why cannot it be abolished? The common law of England! why not a common law of our own; now that we are an independent government.

It is our own common law, said lawyer Foster; we derive it from a common source with the inhabitants of Britain, in the same way that we derive our common stock of learning, literature, science and arts. Shall the people on that side the water alone possess this jurisprudence, which our common ancestors possessed, just because we have left the Island? It was because our birth-right to this law was questioned that we resisted in war, and declared our independence. The right of representation is a principle of the common law, and this right was denied to the colonies; when it was attempted to by acts of Parliament, in the making of which they were not represented. No taxation without representation, was the right maintained. The right of trial by jury is a principle of the common law, and this in some cases, was abridged, in others, taken away altogether. On what ground were these defended? On the ground that they were our inheritance by the common law.

But why called common law? It was so called as distinguished from the laws of particular places. It was a system common to the whole people. The term came into use after the Heptarchy. It might be called general law, from its general application, in opposition to local custom or usages, or special exceptions. It was also to distinguish it from the Roman civil law, and ecclessiastical law. It was in short, the law common to all classes and conditions.

A ground of this law is reason; or the principles of universal justice. The application of these principles to particular cases, forms a great part of the common law; the application of the principles of justice to that infinity of cases, which arise on the intercourse of men in a state of society: obligations independent of contract, or contracts themselves. We read the decisions in such cases, because the reason of those who have gone before, is a help to those that follow.

Rules of pleading, rules of evidence, the practice of courts, are the result of experience; and our own, or adopted by us, as a part of the common law. This law forms a system begun in the woods of Germany; taking its rise among our Saxon ancestors, it was brought with them into Britain; receiving accessions from what it found good in the land to which it came.

Abolish the common law? Why not abolish the art of medicine, because it has been cultivated in Great Britain? Sydenham Harvey and Mead, are thought to have added to the science. The British chemists, have increased the materia medica. Why not make war upon the apothecaries, because they sell English drugs?

Just at that instant a hurly burly was heard half a square distant; people rushing into an apothecary shop, and jugs thrown out at a window. It was a mob collected to break up the doctor.

There was Martin, the latin master, lifting up his hands, the attitude of a man attempting to ring a bell, endeavoring to appease the multitude, in such address as was on his tongue from the classic authors: cives, cives, quis furor vos agitat! vesania quæ versat? quæ damentia cepit! Infelix pecus! oh! heu! proh hominum. Insanire decet, ratione, modoque.

It availed nothing. The outrage was continued. Glass and earthen ware broken; powders and liquids filled the atmosphere with vapour, and a variety of smells. Ah! said an orator, it is full time to return to the simplicity of early times, when men had recourse in case of internal diseases, or external wounds, to the barks of trees, or the plants of the field, and had not yet become acquainted with extractions and decoctions put in phials, and called drops, to make the well sick, and poison the ailing.

It would have made a good drawing in a picture, to have seen the apothecary at work, in the mean time, endeavoring to clear the shop, with a cudgel, sometimes pelting a rioter; at other times breaking the head of one of his own jugs.

A lay preacher, with a long beard, and crack-brained, stood by, exhorting to carry on the work. He had taken a text. "There is a time to build, and a time to pull down; a time to sow and a time to reap." He thought this a pulling down time. The greater part of his audience appeared to think him orthodox, and were showing their faith by their works, at the expense of the dispensary. Good God, called out the son of Esculapius, will no one assist? shall I be ruined? The industry of years dissipated in a day: all my laudnum, my peppermint, sulphur, vitriol, oils, acids, my tartar, and arsenic; all gone to pot, or rather the pots gone with them, jars, jugs, and glister-pipes: what devastation! what havoc! Is it for sport, or for profit? Oh, the folly, the fury, the madness of the populace! They are indeed the swinish multitude. A herd of swine in a century would not have done so much damage.

At this point of the game, whether by design, or accident, a cry of fire had been raised; and the fire company with their engine and buckets were up, and began to play upon the building, throwing the water in at the windows, and at the door, so that the people in the house, and the doctor himself, were as wet as rats, and occasionally the pipe carried round with a sweep, came upon the by-standers without. The crazy preacher got his Bible wet, and his Psalm book; and the latin master called out. "Jam satis terris;" or that there was rain enough; and the orator, thought it a new way of quelling mobs. The Captain said he had seen something of the kind attempted in repressing bees, when they swarmed, throwing water on them, and that the riots of men were analagous.

But what can they mean, said the Captain, by attacking this man's boluses? Do they mean to put an end to the practice of physic? Among the savages they attribute aches, and pains in the flesh and bones, to a bad spirit that has got into the muscles, and the tendons, and by rubbing with the hand, and pressing the parts, they endeavor to expel it. The chaffing has sometimes a good effect, and if there should not be an evil spirit to drive out, it eases and relieves from the complaint. But though exercise and temperance may preserve health, and cold and warm bathing, and friction of the joints may relieve from a rheumatic pain, yet in a multitude of cases the specifics of pharmacy may be found useful, especially in a society of close population, where we have not woods and forests to run, and where sedentary occupations keep people sitting half their time. And though after all, the diagnosis, or the distinguishing diseases, is in many cases but a guess, and the means of cure still more conjectural, yet still there is something in the province of science, and the skill of the well read and experienced physician.

Why do you not put the law in force against such an attack upon the druggist, said he, addressing himself to a peace officer, who stood by, apparently unconcerned? You see his chest of medicine broken open, before your eyes, and his shelves pulled down, and the tables under foot, and yet no one bound over, and no magistrate to command the peace under the penalty of the law.

Soft and fairly, said the peace officers, all in good time.

Take sail from the mast when there comes too strong a blast. A madness prevails at present. It will be but of a fortnight's continuance. When a people get a thing into their heads, the best way is to let them go on. They will come to themselves by and by, as the pan said to the grid-iron.

But in the meantime they will do a great deal of harm, said the Captain.

It is in the atmosphere, said a philosopher. Is it imported, or of domestic origin? asked a thinking man among the crowd.

It may be imported, or it may be of domestic origin, and that's my solemn opinion, observed a wiseacre. For both at home and abroad we have instances of such madness breaking out, owing to poisonous gas in the holds of vessels, or which may breed in our streets, when not kept clean. It may come from France or Ireland; but what is there to hinder it from springing up here, where there is as much poisonous stuff as elsewhere? Man is pretty much the same in every place, the good and the bad. But let us go in, and take a dram.

CHAPTER XII.

Great success of O'Regan's Memoirs. The Captain is advised to apply for a Professorship for him at the College, but is at a loss to know of what. Teague becones a Quack Doctor.

The bog-trotter's memoirs had made their appearance, and were read with great avidity, especially the part relating to the voyage in the balloon. The matter was new, and the style not disagreeable, as the school-master had some knowledge of Latin, as well as of English literature, such as the Pilgrim's Progress, Reynard the Fox, and the Champions of Christendom.

Some wags, taking advantage of the prevailing sensation, strenuously insisted on the Captain applying for a Professorship for Teague, in the new College. But of what science or art shall we make him Professor? said the Captain. He is totally illiterate, and although he may have furnished the matter for the book, he is incapable of writing it. Certainly, he is not fit to be a Professor of Rhetoric, although I have heard lectures on taste and criticism, by those who had no taste and were no critics; but that was an abuse not to be imitated. Being importuned, however, he did at last consent to broach the subject to the trustees, and it might have been carried, but for the interference of the Principal of the Academy, who was a man of some learning, and who declared it would be a burlesque on the school, and threatened to resign, if the idea was persisted in. He alleged, that however great the fame of the phenomenon might be, he was fitter to be a professor of gymnastics than of an Academy.

A professor of gymnastics, then, let it be, said Captain Farrago. It is true he has not read Salzman on the athletics of schools, or Strut on games and pastimes in England; nevertheless he can play at blind-man's buff, the hindmost of three, and fool in the corner. He is no slouch at mumble the peg, is good at a wrestle, and can handle the shelala, the national weapon of Ireland, as the rifle is of this country.

So saying, he turned about and walked away, with his stick in his hand, to look for the bog-trotter, and to bring him forward for the professorship; but he had not walked far before he fell in with the remains of the doctor's shop that had been thrown out upon the street; and where was Teague in a stall, turned doctor, and selling drugs to the multitude, arsenic for worm powder, and laudanum for wine-cordial. He had picked up the phials when the apothecary had run off, fearing the multitude, and the people thinking this man his deputy or substitute, selling off at a low price, were willing to take a bargain while they could get it.

The Captain was irritated on the score of humanity, and for the first time, made a stroke at the bog-trotter. The cudgel lighting on a box of Spanish flies that was going off at twelve and a half cents, dissipated the contents. A dialogue ensued, and much expostulation. But the result was, that the vendue was broken up, as it came to be understood that Teague was not the real owner of the ware-house, and the purchasers might be called on to pay for the drugs a second time. This last consideration had an effect, and the bidding ceased.

At this time, an old friend and neighbor, John Murdock, came up; a shrewd man, though not then in office, having served his term as county commissioner, and addressing himself to the Captain—for the bog-trotter had run off, whether fearing the stick, or to spend the money he had gathered—Captain, said he, Nemo omnibus horis sapit, no man is wise at all times. You have been a long time seeking to get your man into place, and now that he had got into place without you—for accident often does more for a man than his best friends—you have been unwilling that he should stay in it. Nay, you have driven him from it. He had just got into a good way, in an honorable and lucrative profession, and you have stopped his career with your batabuy, or shelalah. Do you think the greater part of doctors are better read than he is? or even if better read, does their reading turn to more account? Will the people employ them sooner because they are learned in their profession? Or even if learned, is their skill the more to be depended on? One of the faculty has said, ars nostra conjecturalis est. Hoffman ran down Boerhaave; Cullen, Hoffman; Brown, Cullen; and the system now among the physicians, is a hotch-potch or mixture of all. O'Regan might have been a quack, but the faculty tell us that medicine is much indebted to quacks. Mercury was brought into use by them, and it is now the panacea, the specific for all diseases, *the consumption itself.* Could not Teague assume a grave appearance, a sober phisioguomy, a measured step, with a cane in his hand; a steady look straight before; a nod to those that pass by, as if from a thinking man? Could not he feel a pulse and speak mysteriously, if he could not speak learnedly, not having given clinical lectures or attended them? Or could he not hold his tongue a long time, and say nothing? which would answer the purpose just as well; for silence is obscurity, and obscurity is sublimity. When the patient is dead, it was the disease killed him, not the doctor. Dead men tell no tales. Facilis decensus averni. Sangrado, according to Le Sage, reduced medicine to blood-letting and drinking water, and diet to boiled apples. *Bebed agua in abundancia*, drink plenty of water. I have heard the blind lawyer discoursing to this effect, that in the profession of the law, which is an ostensible profession, and more likely to expose a man's parts or faculties of the mind than almost any other, yet it is not always understood who is the real lawyer; and a man may have made an estate at the bar, before it is found out *that he is a fool.* If he loses the cause by his mismanagement, he lays it on the jury; or if the court decide on a point of law contrary to the advice he had given, how can I help it, says he, *if a commission cannot give sense.* It is the law of the books, though it is not the law of their heads. The client submits, and is better pleased with his counsel than with an honest fellow who told him in the first instance, or would tell him in the last, that his cause was none of the best, and the verdict or judgment right. If this is the case in a profession, which, in comparison of the other, is visible and tangible, that you can reach it in the exhibition, what must it be in an art which is less in view, where the ignorance of the practitioner is capable of more concealment, and the man dies who is most hurt, and carries his complaint before Minos and Rhadamanthus, who wait until the doctor comes to give him a fair hearing?

It is not that I had any doubt, said the Captain, of his getting into practice, that I had been opposed to his empiricism. My apprehension rather was, that he would get too much practice, and have too many lives to answer for morally and in conscience, if not legally. For what did he know of drugs, or of their effect upon the human system?

If you go to conscience and morality with it, I have done, said Mr. Murdoch. You have no reasoning for me. I was speaking as a man of the world, and the making a living; if you feel yourself entramelled with that sort of doctrine, you are on the other side of the line; I have no concern with you. You belong to the old school.

The doctor, in the meantime, had come back, and was examining the depredations. An inventory was taken, under the direction of the Captain, that what remained might be compared with the original stock, and the loss ascertained, so that it might be compensated to the poor man by subscription. As to what had been purloined by Teague in the way of sale, he undertook himself to make up, having been accessary to it, by introducing the bog-trotter to the village.

CHAPTER XIII.

In which the reader is introduced to some of the sage politicians of the village.

From what has been related of the activity of mind among the inhabitants of this village, and especially from politics, it will not be a subject of wonder, that there was a village coffee-house, on a small scale, in this place, and that the people some times met here, to smoke a pipe, take a glass of beer, and read the newspaper. It might be called a beer house, if what was drank in it gave the name, for more ale was drunk than coffee, but in imitation of the larger towns, it was called a coffee-house. It happening that the Captain wishing to learn the news of the coffee-house, took a walk there.

Teague, with what he had collected from the sale of the drugs, had been here before him; and taking on himself the air of a politician, had called for pipes and tobacco, and was looking over a gazette; not that he could read; but to induce people to believe that he read; occasionally also, as if unconscious of those around him, throwing out a sentence in French; a little of which he had acquired, in the manner of a magpie or parrot: such phrases as, *sauve qui peut; tant pis pour lui; a la gullotine.* Nor did he neglect the shrug of the shoulders, a habit of expressing the emotions of the mind, which remained still in some degree among the republicans, though it had been contracted under the monarchy, when the people were afraid to speak out, and raised the back, when they did not dare to lift the voice; and dumb signs served instead of a viva-voce declaration. This suited the bog-trotter, and enabled him to conceal his ignorance. Not that he had the prudence to intend this; but imitating what he had seen abroad, he took up the character at home.

The attention of the benches was attracted by his physiognomy, and attitude; and in the opinion of some he was taken for a French minister or consul; by others for an emigrant of distinction that had lost his property, for the sake of his title of nobility.

The Captain hearing these surmises, impelled by the natural candour of his mind, could not avoid explaining. It is neither French minister nor consul, said he, but my bog-trotter, that I had detected some time ago selling drugs, and passing himself for a physician. He might be qualified to be a cow doctor, but certainly not to practise on the human body. But what particularly excited my indignation, was his purloining the medicines, taking and carrying away what did not belong to him, which was aggravated by the circumstance, of the things being thrown into the open air, by the rioters, who had broken the house, and dispersed the shop, to the great injury of the poor apothecary, whose property they were. I had taken it on myself to chastise, considering me under obligations to restrain him, having been accessory to his coming to the village. And if you will give me leave, gentlemen, and excuse the time and place, I will take the liberty to deal a few blows at this instant, as he cannot conveniently escape from the boxes before my stroke overtakes him.

Not giving time for reflection or reply on the part of those present, he raised his baton, and was about to strike. Teague on the other hand, had up his heart of oak also, if not to offend, at lest to defend, and parry the stroke; his countenance in the mean time arguing submission: his words also, whether from fear or respect, softening, and conciliatory. God love your soul, said he, and be aisy; and not be after bating me before dese paple dat know notting o' de matter; dat will take you for an ould fool, bating and fighting for nothing. Just for making copper out o' de offals of a farrier, selling dem to de paple when de docther himself ran off. It is a good job to be making a penny in hard times. If your honor will give me lave, I will introduce your honor to dese paple dat have taken me for a French minister. I tought I looked more like a praist. But as dey know best, it is all de same to me. I will drink your honor's health in a tankard of ale if your honor will plase to call for it. Dese civil looking strangers, dat I never saw before, will like your honor better dan kicking and cuffing wid your shelalah, and putting yourself in a passion wid an honest boy, dat never meant you any harm.

The speech of Teague was so deprecatory and reasonable, that those present could not but interfere, on which the Captain consented to let him off, advising more honesty and fair dealing for the future. But, in his apology to the company, for what might seem an impropriety in behaivour, he was led to give the history of the Hibernian, and the circumstance of his being in France, which accounted for his affecting the French manner, and occasional attempts at the language. This in the mean time led to a general conversation on the affairs of France, and the history of the revolution. Observations were made above the ordinary style of beer-house conversation; and of which, though expressed in a desultory manner, as each one took the pipe from his mouth, or listened to the suggestions of others, it may be worth while to give a sample.

One of these, who had a fluency of tongue, and ready memory observed, That the loss of liberty in the course of that revolution, was owing to the unskillfulness of those who conducted it.

But, in like situations, said another, is it reasonable to expect more skill? The mass of the people conducted the revolution, and is it in the nature of things, for them to stop at a proper point?

It is not in the nature of things, said another. They will rush on like a herd of wild buffalos, until they come to a precipice, and then they will tumble each other over it. It is natural to distrust him who proposes to stop short of what seems a complete reform; and when all are in motion, without command or discipline, they will move on until compelled to stop by the exhaustion of their own efforts. The sovereign people is as liable to the impulse of passion, and as open to the insinuations of flatterers, as an individual tyrant. The courtier devoid of principle in the democratic hall, gets the ear of the populace, as he would that of a prince, and abuses it.

I do not know well what a man can better do, said another, than just to fall in with the current of opinion, and when it changes, change with it. We are right, say the people. You are right, says the politician. We were wrong, say the people. You were wrong, says the same man. Who is ever displeased with a person who has been in the same error with himself?

That is true, said the Captain, but is there no such thing as public spirit? Is there not a spice of virtue to be found in a republic? Who would not devote himself for the public good? Were Phocion and Philopoemen time-servers? I grant that it is not the way ultimately to make friends of them, and to have their confidence. Let school-boys propose to rob an orchard, they will respect him who dissuaded, though it was not popular, but incurred the imputation of cowardice, and want of spirit, at the time. Let them be brought to punishment for it, they will revere him who had told them it was wroug, but was hurried along with them, and suffered by their fault. It is by these means that amongst savages, strong minds obtain the ascendancy, and are trusted by the nation. Great is the force of truth, and it will prevail. It requires great courage to bear testimony against an error in the judgment of the multitude; as it is attended with present disreputation. Yet this moral courage is virtue, and is its own reward.

The great mischief in democracy is party, said an orator, who had taken the pipe from his teeth, at the same time spitting on the floor.

It is the great advantage of it, said his neighbor. It is the angel that descends at a certain season, and troubles the pool of Bethsaida, that the lame person may be made whole. Were it not for party, all things would go one way; the community would stagnate.

But let one party obtain the ascendancy, and does it not come to the same thing? All things will go the one way then, or rather stand still.

Not so, said the Captain; no party can maintain power long. The ascendancy carries its overthrow along with it. The duration depends upon the judgment of the leaders of the councils. But the leaders will find that they cannot lead always. While they were struggling up the ascent, every one was willing to be helped, and took advice. But on the top of the precipice, scamper and hoop, and there is no restraining them. And then if spoil has been taken in the battle, they will be sure to quarrel about the share each one has a right to claim as the reward of his particular exertions. A leader of judgment will always find it more difficult to manage his own people, than to combat his adversaries. They cannot be brought to halt at a proper point; and their errors bring them down again, as those in power did before them.

However, this is wandering from the point, said a man in a black wig; we were talking of the French; who says that Bonaparte did not usurp the government?

I am of that opinion, said Captain Farrago; for there was no government to usurp. He put down the directory, who put down the councils. The banishment to Cayenne is a proof of this.

I agree with you, said an individual on the other side of the box, or bench, as it rather might be called. It was the mountain that ruined the republic, at the very time they were running down others under the charge of incivicism and conspiracy against the republic.

Doubtless, said the Captain, it is in popular intemperance, that aristocracy, at least despotism had its source. Anarchy is a return to the state of nature, where the strong and bold will rule over the weak and timid. Here rising, and paying his score, he withdrew.

CHAPTER XIV.

The Captain visits some of the public establishments of the village. The Lunatic Hospital—finds a mad poet engaged in turning the first volume of Modern Chivalry into rhyme.

The Captain having a short space of time to spare from his avocations, and disposed to take the air, had walked out, and coming near the small building which served as a hospital for the village, was disposed to visit, and see the state in which it was, with what new objects, since he had been absent on his perigrinations.

He was shown by the keeper an extraordinary object in a cell, a man who imagined himself a moral philosopher, delivering lectures. His observatious were occasionally fraught with good sense. While the Captain stood, in the passage opposite his door, he made a note of some part of his discourse, and which, having had the opportunity of copying, we shall give to the reader. It was on the subject of resentment of injuries.

It is a strange thing, said he, that we cannot submit with equanimity to evils in the moral world, as we do in the natural. We expect a fair day, and there comes a foul. Is it any gratification to us, to beat the air, or stamp upon the puddle?

Who would think of giving the cow-skin to a hurricane? Yet the greatest damage is sometimes done by a blast of wind. He would be thought a madman, and be sent to this place, who was apprehended buffetting a whirlwind, even though it had torn up by the roots, or broken down a fruit tree. He must be out of his senses indeed, that would have recourse to a bludgeon in case of an attack by an inundation. It would be a laughing stock to see even a Turk giving the bastinado, to a hot season or to cold weather. The knout to a Russian winter! Did the Pope ever excommunicate a storm on the ocean? What man is angry with a squall of wind? He considers it an evil, and composes his mind to the loss of his merchandise. Is ingratitude less to be expected? And yet when it happens, we reprobate, and seek revenge. Sufferings from moral causes, are just as common as from natural. And yet when an injury is committed by a human creature, we are taken by surprise, and lose temper. Cannot we turn away as from a sudden gust, and shelter under some one willing to protect us, without thinking more of the enemy that had beaten us with his fist, or abused us with a bad tongue? The pelting of a hail-storm never induces you to use hard words, or to demand satisfaction of the atmosphere; and yet you will send a challenge, and risk your own life to punish a man that has barely slighted you in manner or in words. Why not take the other side of the road, and pass him as you would a pond of water, or a marshy place? Cannot we take the necessary precaution against calumny, as we would against foul air, without putting ourselves in a passion with the author of the defamation, any more,than with a vapour or an exhalation? But there is such a thing, as will and intention in the moral agent. Is this anything more than an idea, a matter of our own imagination? It is the same thing to us whether there is a *spirit* in the winds, or *no spirit*, when a house is blown down, or the roof carried away. What is it to us, whether the cause thinks, or does not think? We blame it the most sometimes because it does not think. We call in question the understanding of a man when he wrongs us; and say, if he had the reflection of a reasonable being, he would have conducted himself in a different manner. And yet the consideration that he had not reflection, does not mitigate, but increases our resentment. Oh! the inconsistency of human judgments! I am shut up here as a madman, in a mad place, and yet it appears to me that I am the only rational being amongst men, because I know that I am mad, and acknowledge it, and they do not know they are mad, or acknowledge it.

As far as my small judgment goes, says an orator, when he is about to express an opinion, and yet he does not think his judgment *small.* He would take it much amiss if any one took him at his word, and would say, true it is, *your judgment is but small.* All think themselves wise, wise, wise. But I say, fools, fools, fools. At this the madman threw himself down on his couch, and fell asleep.

In the next apartment was an insane person, who styled himself the Lay Preacher, who took his text as usual, and began to preach. Book of Judges, 21: 25. "In those days there was no king in Israel; and every man did that which was right in his own eyes."

That was right, said a mad democrat, who was confined in a cell across the passage. When we got quit of a king, the same thing was expected here, "that every man should do that which was right in his own eyes," but behold we are made to do that which is right in the eyes of others. The law governs, and this law is made up of acts of assembly, and the decisions of the courts; and a kind of law they call *the common law.* A man's nose is just as much on the grind stone as it was before the revolution. It is not your own will you must consult; but the will of others. Down with all law, and give us a free government, "that every man may do that which is right in his own eyes." Talk of liberty, when a man can't do as he pleases. It is no liberty—it is tyranny, monarchy, aristocracy and federalism.

Madman, said the preacher, thou knowest not what thou sayest. It is not allowable that men should do that which is right in their own eyes. A man is not a proper judge of right in his own cause. His passions bias his judgment. He cannot see the right and justice of the case. The want of a king in Israel was accompanied with the want of laws. I do not mean to say that without a king there cannot be laws. But kings are put here for government, that being the government, at that period known in the world. For even a mixed monarchy is an improvement of later times. The meaning is, there being no government, every man did that which was right in his own eyes; and ten to one, but it was wrong in the eyes of others. A wild state of anarchy—a time for Sampson to live, that could knock down people with "the jaw-bone of an ass."

What worse, said the democrat, than amongst us, where we see honest men knocked down with the jaw-bones of lawyers, arguing a cause, and the judges that decide upon the case? A poor, naked, bare-footed fellow helps himself, without leave, to something to eat, takes some clothing from one who has a whole shop full, and he is put in confinement as a criminal, when he has only claimed his natural rights. Was not the earth, and all the things on the face of it, flesh, herb, and fish, given to men in common, by the creator? Adam was only the recipient for the benefit of all. And this first law is constantly violated by the monopolies of goods, money and land! Some have ten times more than they need, while others have nothing but their bodies. Is this the law of God? I say no—the word is, divide, divide, so that each may have his share.

But, said the preacher, in that case some men would soon waste, or squander their portion, and be again destitute—what then?

Why divide again, said the mad democrat.

At that rate, replied the preacher, the second division would be the last, for after that no one would acquire property of any kind.

So much the better, said the democrat.

Passing on, the Captain came to a stair case, and ascended to the second story; he wished to see a mad poet who had been engaged in travestying his travels. He had the advantage of a commodious apartment, more so, than some of those who have surpassed him in his art in different places and periods of the world. The poet Dryden was not so well accommodated, at the time he wrote his St. Cecilia's ode, which is thought to be the best of his compositions. The poet that we have before us, was a quiet man, and had the privilege of the hospital, to go and come as he pleased, but not to go without the walls. He was confined here by his relations merely as a matter of convenience, being so absent in mind that he was incapable of taking care of himself. The manuscript in doggerel verse, would seem to be sufficient to compose a book, half as large as Hudibras. He was overjoyed to see the Captain, who was the hero of his poem; and the Captain was no less amused to see him, and the adventures of which he made a part, turned into rhyme. His sensations were somewhat similar to those of the Trojan hero, when he saw the war of Troy, in the paintings hung up in the hall of the queen of Carthage. The circumstance was not less entertaining to him as the actor, or the speaker in the course of the adventures so recorded, and he consented to accept a copy, not that he meant to give it to the press, but to cast his eye over it, for his particular amusement: nevertheless the manuscript having fallen into our hands, we shall select parts of it, and according as the reader seems to like what he gets, we shall give him more. In the mean time we shall dismiss the Captain from the hospital, not but that there was much more to see and hear, amongst the bedlamites still; but affected with melancholy, and weary of the scene; at the same time doubting with himself, whether those he saw confined, were more devoid of reason than the bulk of men running at large in the world. He had no donbt of one being a lunatic, of whom the keeper made mention, but whom he had not inclination to visit in the second story; he was said to be employed looking at the moon, with a pair of spectacles, which he took for a telescope. For lunacy means moonstruck, and this seemed to be the case in this instance.

CHAPTER XV.

Containing various matters of village clamor. The no code and the new code parties. There is a talk of making judge of O'Regan.

Having turned his back on the hospital, there was a concourse of people: the cry was a new code of laws.

A new code? said a grave man. Is not the old the result of experience, a gradual accession of rules and regulations in society? Begin again, and you would come to the same result at last. But to form laws from abstract comprehension, fitted to all exigencies, is not within the compass of the powers of man. It is sufficient if he can form a schedule or plan of government; this is the outline; the interior gyrations must be made up from repeated experiments.

The words, new code, were mistaken by some amongst the the crowd, for no code.

No code was repeated through the multitude.

What, no laws at all? said the grave man.

No laws, was the outcry immediately; and every vociferous person wishing to hear himself speak, and every timid person afraid of being suspected of incivicism, began to call out, no laws.

That will never do, said the grave man; it were better to have no judges than to have no laws, or at least as bad. For how can men judge but by laws? Arbitrary direction is a blind guide.

The words, no judges, had been heard more distinctly than the rest, and supposing it to be a substitute for no laws, voices came from every quarter in support of the amendment. I support the amendment, I agree to the substitute; no judges, no judges.

The clamor became general, down with the judges.

This puts me in mind, said the Captian, of the sermon of the Lay Preacher. I should have no objection to an amendment of the law, or to new judges; but no laws, no judges, is more than I had expected to have heard in an assembly of republicans.

A person standing by was struck with the good sense and moderation of this remark, and stepping forward, made his harrangue.

I will not say, said he, that I am for no judges; but this I will say, that new judges is a desideratum in the body politic. The greater part that we have are grown grey, and are as blind as bats; they cannot see without spectacles. I am for new judges.

You talk of judges, said the grave man, as if it was as easy to make a judge of law as to make a bird-cage or a rat-trap.

What, said a merry fellow, shall we have new shoes, new pantaloons, and new everything, and shall we not have new judges? We shall never do any good with the present judges on the bench, who are old and worn out.

It was carried that there should be new judges.

But having disposed of the old, it became a question whom they should elect for new. The bog-trotter was proposed for one, having had his name up before in the matter of the newspaper.

What, my waiter? said the Captain. Yes, your waiter, said a wag, or a fool, I do not know which.

You astonish me, said the Captain. My waiter a judge of the courts! He will make sad work on a bench of justice. He will put down all law. He will silence all lawyers. He will have no law; no books; no cases; all plain-sailing with him. Every man his own lawyer, state his own case; and speak for himself. Hooks and Crooks; no Hawkins; no Bacons, or Blackstones, or Whitestones; no strange cases; no law of evidence. Every man sworn to tell what he knows, whether he has seen it, or heard it, at second or at first hand; interest or no interest; all the same; let the jury believe what they think proper; and the judge state the law from his thumbs ends without books.

This is madness, and here I have more trouble on my hands with this bog-trotter, than I have ever had before. It is a more delicate matter to see him placed on the seat of justice to administer the laws, than to be in the senate house, and assist to make them. For in that case he would be but a component member of a great body, and his errors might be lost in the wisdom of the other members. But in the capacity of judge he is sole, or with but a few, and it is an easier matter to frame a single law, than to expound and apply a thousand.

Fellow citizens, said he, addressing himself to the multitude, you will ruin your administration; you will bring disgrace upon it. The people will not feel your error at once, but they will feel it by and bye, and will depose you who have been most active in this cavalcade. That is, they will withdraw from you their confidence. The abuse of power leads to the loss of it. No party in a government can exist long, but by moderation and wisdom. The duration of power will always be in proportion to the discreet use of it. I am shocked at your indiscretion. Have not some of you read Don Quixote? In the capacity of judge, Sancho Panza made some shrewd decisions; or rather Cervantes made them for him; for I doubt much whether Sancho ever made one of them. But who is there of you will make decisions for Teague? I doubt very much whether he would take advice, or let any one judge in his behalf. Besides that of a judge is not a ministerial office, and cannot legally be exercised by a deputy. You will make pretty work of it with Teague for judge. It may be according to the light of nature, but not according to the law of nature that he will judge. At least, not according to the law of nations; for no nation under heaven ever had such a judge. Not even in the most unenlightened times. If he had a knowledge even of the old Brehon law, in his native country, it might be some help. But in matters of meum and tuum he has a certain wrong-headedness that hinders him from ever seeing right. He thinks always on the one side; that is, on his own side. But what he would do between suitors, I am not so clear, but I take it he would be a partial judge. The man has no principle of honor or honesty. He would be an unjust judge.

Will not the commission make him a judge? exclaimed one of the multitude.

But will it make him capable of judging? said the Captain.

Why not? said a boisterous man. What else qualifies or makes fit? Can the most sensible man, or the most learned person, judge without a commission?

Doubtless that is the authority, said the Captain. But still the capacity.

Hompacity! said a man, with a bit out of one side of the membrane of his nose, snivelling in his speech, at the same time squirting out a more than usual quantity of tobacco juice; hompacity! Hive me the hommisshin, an' I'll ho-o you the hompacity. Let me hee who dhare whestion my hompacity!

Such a burlesque, said the blind lawyer, tends naturally to the overthrow of justice. For able and conscientious men will withdraw from a degraded station. Intrigue, worse, perhaps, than the arm of flesh itself, will come to be employed in the management of causes. Security of person, property, and reputation, the great end of civil institutions, will be rendered precarious. The security of them depends upon fixed and known rules, as well as the application of them. It is not an easy matter to attain a knowledge of these rules. The laws of a single game at school, or of such as employ manhood, in an hour of amusement, is a thing of labor to acquire. The law parliamentary, or rules of a legislative body, is not learned in a day. And yet without a knowledge of it, there is a want of order, or dispatch in business. The laws of municipal regulation in a community; laws of external intercourse, and internal policy, are not attainable with the celerity of a moment's warning. But when we come to the rules of property, the laws of tenure and contract, a field opens that startles the imagination. Even the study of years makes but a sciolist. But you will say, lay aside rules. Let all decisions spring from the dictates of common sense, applied to the particular case before the judge. But the mere arbitrary sense of right and wrong, is an unsafe standard of justice. A free government, is a government of laws. A Cadi or a Mufti are tolerable only in despotic countries. You are destroying your republic, by undermining the independence and respectability of your judiciary. It is that branch of government on which liberty most essentially depends.

The multitude seemed to be but little moved by these observations, which made it necessary for the Captain to try what could be done with the bog-trotter himself, to dissuade him from accepting the appointment. Accordingly, taking him aside, he spoke to him as follows:

Teague, said he, will there be no end of your presumption? I take it to be a great error of education in our schools and colleges, that ambition is encouraged by the distribution of honors, in consideration of progress in letters; that one shall be declared the first scholar in languages, another in mathematics. It is sufficient that the fact be so without announcing it. The self-love of the student will find it out for himself, without information, and his fellow students will be ready to acknowledge it, provided that it is not arrogated, or a demand made that it be formally acknowledged. For this takes away the friendship of others, and corrupts the moral feelings of the successful competitor himself. Ambition springs up, that accursed root which poisons the world. Now, you cannot lay your ambition to schools or colleges; for you have never been at any seminary whatever, as far as I understand, if I may guess from your want of attainments in academic studies; and yet notwithstanding you have never been in the way of the distinction of grades, and prizes, and literary honors, you have discovered an ambition of a full grown size, even without those advantages which are the stepping-stone to the ambition of others. It must be a bad nature that has generated this preposterous aiming and stretching at promotion. A wise man will weigh what he undertakes; what his shoulders can bear, and what they cannot. He will consider whether the office is fit for him, or whether he is fit for the office. He will reflect that the shade is oftentimes the most desirable situation. Do you see that bird upon the tree there? It builds its nest with care, and endeavors to render it convenient. But does it build it on the topmost bough, exposed to the sun and the heavy rain? or rather does it not choose an inferior branch in the thickest of the umbrage? Take a lesson from the fowls of heaven, and the brutes of the field. It is not the elevation of place but the conveniency of the accommodation, that governs them. Ambition is an accursed germ of evil in the human mind. It is equally destructive of the happiness of the possessor and of that of others. You a republican, and yet destitute of republican virtue, the basis of which I take to be humility and self-denial! Were I the master of an academy, the first and continual lesson would be, to attain science, and be learned; but as to seeming so, consider it of no account. Science would discover itself. The possessing knowledge would be its own reward. The concealment of all self-knowledge of this advantage, not only constitutes the decent and becoming in life, but lays the foundation of emolument in the good will of others. It may be pardonable in early age to have pride in the advantage of bodily form; but we call in question the modesty of a youth, male or female, who seems to set an inordinate value on a limb or a feature. How much less tolerable the pride of mental superiority! But of all things under heaven, the most contemptible and the least sufferable, is that of incompetency to a trust, and aspiring to a place for which the candidate is not qualified; or, even if qualified, against modesty and the claims of others. It brings a man to be the subject of a laugh and ridicule. Do you know that the making you a judge was but a farce, in the manner that Sancho Panza was advanced to a government? You have read the Don Quixotte of Cervantes, I presume. But what do I say; you read Don Quixotte! you have read nothing; and yet you would be a judge! Ambition, I tell you, is an evil. You have read of Julius Cæsar, in the Roman history, Again I forgot myself. You have read nothing. But I may tell you of him. What was the purple to him, compared with losing the affections of his countrymen? Though, by the bye, there is some reason to think it was neck or nothing with him, and that self-preservation made it necessary to usurp the empire, things having come to that state at Rome, that if he did not usurp, another would. A good republican, and a virtuos man, would rather fall than save his life at the expense of the rights of others. But it slips my memory that I am talking to a bog-trotter! There is no making a silk purse out of a sow's ear. Suppose you were made judge, in this hurly-burly of the public mind, would your standing be secure, even with the most perfect competency for the place! You would not stand two throws of a weaver's shuttle. Your chair, under you, would be like an old piece of furniture bought at vendue, put together for sale; the glueing gone and the joints broken. It would fall before it felt half your weight, and leave you with your middle extremity upon the floor. New judges to-day, and the public mind would have desired new judges to-morrow. Consider the physical consequence of being broken from the bench. Take my word, it is not a common breaking this; it will affect your frame at every change of the weather. It will make an almanac of your whole system. It will make your joints ache. It will be worse than a sprain in the ancle; or a rheumatism in the limbs; or sciatica in the small of the back. It will give you cholic every new moon, and take away your sleep at midnight. It will give you the jaundice, and hurt your complexion. Your eyes will become yellow, and your cheeks green. You will lose your appetite, and not be able to eat, even when you can get it. Why man, it will blister your feet, and break your shins. It will bring you to death's door, before you have lived half your days.

Be de holy poker, said Teague, I'll be no judge. I'd sooner dig turf in de bog. I taught de judge had noting to do, but sit on a binch till he was tired, and den get up again, wid plinty of money in his pocket, aitin and drinkin what he plased. Fait, if dat's de way, de divil may be judge for me.

CHAPTER XVI.

Containing some wise saws and sayings.

To speak seriously upon the subject, I doubt much whether, in the present commerccial state of society, and where property is not held in common, people would be safe and prosperous, without law altogether. I do not know whether even lawyers are not a necessary evil. Perhaps some kinds of officers, such as judges, sheriffs and others, are necessary to to enforce the laws. But it must be admitted, that lawyers take up too much time in their pleadings, and cite more authorities than are sufficient. The young read to show that they have read, and the old that they have not forgotten. It strikes me, that as all the citizens cannot employ sufficient time to read and study so many laws, where the wants and various interests of civilized society require them, there must be a set of men who can devote their whole time to the acquisition. But the reading so many authorities, often to prove what every person of common sense will not think of denying, is not showing proper respect to the understanding of those to whom they are read. A little original thought and reason of the lawyer himself might answer just as well. The reason of a man's own raising, may be as good as that which is bought in market.

——— What is it to us,
Though it were said by Trismegistus?

Not that I mean to undervalue, much less to lay aside altogether, the assistance of borrowed reason, and the auxiliary deductions of other men, whether on this side of the water, or beyond it. There is, however, such a thing as being enslaved to authorities, or, at least, loading the argument with too much incumbrance of quotations. It depends a good deal upon the countenance given by the court to such lumber drawn from the books; yet the correcting requires an infinity of care, lest you lose the advantage of recurring to first principles. *Antiquos recludere fontes*, is an advice not to be disregarded. The profound divine reads the commentaries, and thence assists the comments he makes himself. The avoiding one error may lead to a worse. Advice should not, on any subject, be laid down too broadly, too positively, and admitting no exception or modification.

———Fuga culpæ,
In vitium ducit.

In tearing up the darnel, the wheat may come with it. The books must be read;

Nocturna manu, versate diurna.

But in the argument, I value more the judgment of selection, than the labor of collecting. It is a flattering thing to a court, to take it for granted, that they understand first principles; and even a jury are not displeased when you seem to suppose, in summing up the evidence, and the remarks upon it, that they themselves can see a thing that is as plain as a pike-staff. Hence long speaking, and an over-minute investigation, is sometimes odious. Or to attempt to make one believe what cannot be believed, makes a man sick, provided he is not disposed to laugh. This depends a good deal on the natural playfulness of his mind, or the mood in which he is, from the want of food or sleep. I excuse the people showing a dissatisfaction to the trial by jury, under the pleading of advocates, when the harrangues in an evening, are like to prove eternal. When the stream of the orator turns upon itself, visits the ground that it had left, and is unwilling to quit the enchanted borders of the argument.

Yet, I think, all things considered, that there is some use in courts of justice; and that it would not consort with ancient habits, to lay them aside all at once. Liberty has been accustomed to them. I do not find that she has ever done without them. Wherever she comes, she seems to call for them.

There is a strange coincidence between liberty and an established jurisprudence. Whether it be matter of accident, or a connection in the natural existence, may deserve investigation. To give the devil his due, there is a good deal of pains taken in the courts to secure a fair trial, in empanneling the jurors, and the admissibility of evidence, whether oral or written. As to the protecting the suitors from each other, and what is called the consequential contempt, it is a matter too delicate to touch upon, and we shall pass it by. But it seems to me, the peace is better kept, than if there were no courts at all, and protection, given to the parties, relative to the matter in question even out of doors. However, this I leave to the consideration of the prudent.

Some are of opinion, that it would be better to argue all matters of meum, tuum, in the public papers, or in hand-bills posted upon trees. The principal objection I see to this is, that the suitors waxing warm in the controversy, would call one another names and come to blows. A great deal of ill blood between neighbors might show itself. How could you keep lawyers from writing in the gazettes, any more than from speaking at the bar? And here, their jargon reduced to a paper, would spread wider, and have more permanence than floating on the atmosphere with which their breath had mixed it in the first instance. The theories of ingenious men are not to be discouraged; yet it is not to be taken for granted, that every theory that is plausible, is practicable, and will be found to answer the expectations of the most deliberate projector.

The independence of judges and permanency in office, is a favorite theme with the judiciary themselves. And doubtless there is some reason on their side. For the Scripture says, "the fear of man bringeth a snare;" and the man that has the most influence in elections, is likely to be most feared by an elective officer. It would not be a state conducive to justice, that in giving judgment, the judge should be under the temptation to be looking about, and turning in his mind the probability of being turned out, in consequence of the judgment he was then to give—whether John O'Nokes or John O'Stiles were to be the next members of the legislative body.

But if you confer independence any more than in a ministerial officer, the judge becomes overbearing. Power corrupts. It is natural to count too much upon a man's standing. Every one overrates his own importance, much more his own services. Self-love and self-consequence swells, and produces œdematous effects. The man that has given his vote at an election, or written a paper, will conceive that he has turned the election; that day-light springs because he has crowed. He will denounce the man that differs from him, as swerving from the faith; the orthodoxy of the creed; making no allowance for the different organization of the brain, and the conception of things. How much more intolerant is a man like to be, that conceives himself fixed in a seat for an interminable period?

There is such a thing as tyranny in judges; and I am no enemy to the investigation of official conduct. But let the power paramount, the people, take care that they exercise not tyranny themselves, or give way to passion, which even in a body politic is possible. Let the sovereign, like that of all the earth, do justice, and consider that the possession of power is upheld by justice. The experiment of a dependent judiciary may be tried, for it has already been attempted. Our whole government is one of experiment: in many things it has succeeded, in others it may fail.

But as to the notion of some, that lawyers, and judges, might be laid aside altogether; I doubt as already hinted, the good policy of this. At least the experiment may be premature. Republican principles have purified the world a good deal; but I do not know that it is just come to this, that men are universally virtuous. Some vestiges of that iron-age yet remain. The old man of sin enters yet a little into our dealings with each other. I admit that public offices are pretty well purged; but there are unfair transactions yet spoken of among the multitude. It may be too soon yet to abolish all law, and jurisprudence, relying altogether upon the spontaneous sense of justice among all sorts of men, without law, or authority to enforce the law, unless that wild kind of justice, called Lynch law. I admit that courts of law are a check upon the freedom of the press, and I excuse publishers of gazettes, in their zeal to have them overthrown, or at least reduced to fear and subordination. Because it is drawing all things to their own examination. But are they sure that they are good republicans in this? Or, indeed, that they consult their own security in the event of this license. For prostrate the courts, and the cudgel prostrates themselves. While they are pushing at a judge, they are preparing the way for some robust man in due time, to push at them. With different weapons it is true. For the weapons of the press are spiritual, or of the mind; but that of the bludgeon is corporeal, and made of wood, or some other material of a solid substance. It is not the interest of a printer that a judge be rendered timid, by persecution; for he stands between the cudgelist, or pugelist, in the controversy with the man of types. Thus the freedom of the press, is supported by the laws, and by the due enforcement of them. Yet it is natural for a man at first view, to think, that if there were no courts, he could write with less restraint. He could make every man tributary to his opinions, or to his measures; for if he did not libel, he could threaten to libel, and compel a submission, or levy blackmail.

It seems to me that a poor man is safer in a country of laws, than in one without laws. "For wealth maketh many friends;" and I do not hear any complaints that the rich are favoured in the courts. But that may be owing to the mode of trial, which is in the face of the world, and where lawyers are suffered to make as free with the character and conduct of a rich rogue in a cause, as with one of a more circumscribed estate. This last is one argument I have just hit upon, in favour of lawyers; and I find myself well disposed to give them a lift, when I can with propriety. For though I would be willing to muzzle them a little in their speeches; yet I do not wish to see them run down altogether.

Fortitude is a requisite qualification in a judge. It requires resolution to preserve order at the bar; overawe petulance; arrest impertinence in manners, or in argument, suppress side-bar conversation; and render the practice tolerable to practitioners of mild and modest demeanor; of delicate and gentle dispositions; of scrupulous honour, and liberality in the conduct of a suit, or management in courts. Resolution is necessary to decision unequivocal and satisfactory, unawed by forensic opinion or the influence of individuals. It is dangerous therefore to sap this spirit of independence, by the precarious tenure of the office, while at the same time the right of the citizen is examined, and the power of the court considered in its latitude and operation. All I mean to say is, that the examination of the judicial conduct is a high trust, in the view of an enlightened public, and answerable to the present time, and to posterity, for the consequences. When the people madly destroy confidence in the judiciary, they destroy all security for their own rights. And if persons and property are then not secure, what matters it whether the government be a monarchy, oligarchy, or a democracy? I am a democrat, because experience satisfies me that this form under the restraint of laws and constitutions, is best adapted to the ends of government, among a virtuous and enlightened people, although the poet sings:

> Nunquam libertas gratior extat, quam
> Sub rege pio.

Yet it would be as hopeless to expect such a king, or succession of kings, as to expect that angels will descend from heaven to undertake the management of human concerns. While, therefore, I am of opinion that judges should be held accountable, they ought to be placed in a situation to be out of the reach of demagogues, and the shifting winds of popular prejudice.

What is the reason of the fluctuations of parties in republics?

The reasons are many. But one is the unskilful driving of the state carriage, by those who get possession of the curricle. Phæton, you know, though he had the best advice from his father,

> In medio tutissimus ibis;

the middle way is the best; yet before the middle of the day he had set the earth on fire. The people are always honest, but oftentimes the instrument of their own servitude; by distrust where they ought to have confidence, and confidence where they ought to have distrust. The bulk cannot have perfect information: and that reach of thought which observation, and experience gives. They must trust a good deal to others in the science of government, and the expediency of public measures; and it depends upon those whom they do trust whether the power of the party is long lived, or short. All depends upon the wisdom and integrity of those that lead. What ruined the federal administration, but the intemperance of driving? The upright disapproved, and the prudent forsook it. The unskilful pilots were not aware of an under current that had begun to set. Extremes will always beget the same effect; and like the tension of a cord, produce a return in a contrary direction. Judgment, how far to go, and where to stop, is the great secret. Trained shaft horses, that will back down the inclined plane of a hill, are excellent in a team. Younglings, though nettlesome, and generous, are apt to draw too fast, upon a declivity, or even on a plain.

For that reason, I cannot say that I am favorable to a change of representatives every year, even when that which has been done, does not altogether please me. Because experience is a great ripener of the mind; it gives knowledge. A man after some time begins to understand the game, and to find out who it is that takes a lead with a view to some object of his own. That may be unfathomable in the early breaking of the business, and yet come out at last. Or a man may come to see his own error, and profit by the recollection.

But how will an honest man in a deliberative body, know what to trust but his own judgment? Nothing. Then let him think humbly, diligently, extensively, distrusting preconceived opinions, and laying his mind open to the light of truth. Yet there may be some rules to guide the judgment. Such as trusting the judgment of others who have had experience in the science, or establishment, relative to which the question is agitated, or the measure proposed. Every one is to be trusted in that thing, of which he has some knowledge. Let him take a newspaper, and read it judiciously, but not with implicit faith; let him fancy himself a juror, bound to be on both sides, and give his verdict as according to the truth. He may thus form a better judgment of the men and measures of the day. Public, or rather popular opinion, is subject to sudden changes and flaws, like the atmosphere. Markets bad, wages low, employment not to be had, and these make hard times; the cry then is, let's have a change of some kind, to make them better. This is encouraged by the demagogue. The illiterate, the needy, and the vicious, if they acted separately from the rest, would be the majority; but fortunately the minority, the intelligent, those possessing property, have still a controling influence over the others. The most certain way of exercising that influence, is by the diffusion of knowledge. There is no safety but in the schools, and in the encouragement of education. Ignorance is the canker worm of our free republic. It is therefore true, that men of letters, are its best friends; among these will be found those who love liberty and truth, for their own sake, and derive pleasure from the prosperity of their country, just as the over of nature receives delight from the disinterested contemplation of its beauties. But the people are always right! say the demagogues. This is true only so far that the majority generally mean right.

That man is to be trusted who is free from the imputation of inordinate selfishness in private life. You will find an artist that is fonder of the art than the emoluments. There are men that connect the public good with their own happiness; generous spirits who manifest this by their disinterestedness in ordinary transactions. This is a good sign, and ought to inspire confidence in their agency, in public matters. The man that covets good will more than money, and the praise of benevolence, more than that of private gain, has some soul in him, and other things equal, is to be trusted before him of a contracted spirit, and self love in all his actions.

But after all, things will take their course; and no party in a republic will retain power always, because they will abuse it; but the duration of power in an elective government, will depend considerably upon the being able to distinguish between vigor and moderation.

There is a natural alliance between constitutional liberty and letters. Men of letters are seldom men of wealth, and these generally ally themselves with the democratic interest in a commonwealth. These may form a balance, with the bulk of the people, against power, springing from family interest and large estates. It is not good policy in republicans to declare war against letters, or to seem to frown upon them, for in literary men is their best support. They are as necessary to them as light to the steps. They are a safe auxiliary: for all they want is to have the praise of giving information. The study of political law and municipal jurisprudence qualifies to inform; hence at the commencement of the revolution, lawyers were the first to give the alarm and assert the rights of the people. Shall we forget the recent services of the lawyers, in framing the federal and state constitutions? The name of lawyer ought not to be hunted down, because there are persons unworthy of the profession, with whom the love of money is inordinate.

There is ground for regret, that literary institutions are not favored; that it has become a popular thing to call out against learning, as not necessary to make republicans. The knowledge of the rights, and capacity to prosecute and defend them, does not spring from the ground, but from education and study. Our government is a complicated machine, and cannot be managed without skill. New questions of policy, new issues constantly arise, and I fear the number is too small of those who can decide upon them with knowledge, or, as the French say, *avec connaisance de cause.* Common sense alone is not sufficient. One cannot even put a watch together without learning how to do it. Common sense is only something to begin with.

CHAPTER XVII.

Various rumors. The author's excuse for taking his clown from the Irish. Miscellaneous matters. Democracy has its strength in strict integrity.

The rumor had prevailed that the judges had been broke.

Is it on the wheel? enquired a man of books; for he could not think it had been with the bow-string they had been punished; for that is the mode of dealing with public officers in the dominions of the Grand Sultan; nor did he think it could have been with the knout or bastinado; as that is usual only in Russia, and makes a part of the penal code, at the discretion of the Czar.

Not upon the wheel, said a by-stander; they are not broke in that sense of the word. It is but a removal from office, that is intended by the word broke; and not the breaking of the back, or the limbs, or any part of the body.

Why break them? said the learned man, even in that sense of the word? that is, remove.

Because they give a wrong judgment, said the by-stander.

There could na be a better reason, said a Scotch gentleman, it is contrary to the very end o' their creation.

Why not reverse their judgment? said the scholar.

Because it is better to reverse themselves, said the Scotch gentlemen, and let them and their judgment a go together.

At saying this, a person came in who gave intelligence that the 4th of July being about to be celebrated, the people had made choice of Teague O'Regan, the Captain's man, to deliver an oration, on this, the anniversary of our independence, and to draw up the toasts.

Will absurdities never cease, said the Captain, in a free government? My bog-trotter chosen to deliver an harangue, in commemoration of the men, and measures, of our great national contest! It is for the celebration of the festival. Astonishing!

Teague, said he, I could have put up with the great variety of functions to which you have been proposed; or have proposed yourself; even that of a judge of the courts of law; as being matters of a mere secular nature, and forensic; but to be the organ of the celebration of a festival, which has become in a manner sacred, by the cause to which it is consecrated, is beyond all endurance; and as to the drawing up of toasts, or sentiments for the day, you are incompetent. You may be equal to the fabrication of a common-place allusion to the prevailing cry, and make it the voice of the occasion, as for instance, to give a slap at the judges, but as to hitting off thoughts on the principles of government; or practical application in the measures of the administration, you are unequal to the task.

With regard to Teague himself, he had as little thought of delivering an oration, or drawing up toasts, as any one else could have. The apothecary, who meant to sell medicines on that day, on a stage, had employed him to act in the capacity of tumbler; not that he could tumble, but that he could not tumble; and so, by preposterous attempts at agility would answer the purpose of moving laughter, and drawing the attention of the multitude, who being collected for that purpose, might be drawn into another, purchase of worm powders, lozenges, and the usual drugs.

The celebration of our national anniversary, will no doubt be continued while the union of these states exists. It may be continued by the parts probably after a dis-union; an event certain, and inevitable; but which, the wise and the good delight to contemplate as remote; and not likely to happen for innumerable ages. The orations delivered on this day, may greatly contribute to postpone the event of a dis-union, by patriotic and conciliatory sentiments. For this reason, the best abilities, and the most virtuous hearts ought to be chosen to be the orators of the occasion.

But the toasts, or sentiments given on the convivial libations; not in honor of imaginary deities, as amongst the Greeks and Romans; but in honor of deceased heroes, who have passed from a scene where they were mixed with us, to that scene, where we shall be mixed with them; these expressions of the public mind, ought to be the peculiar care of the aged and the wise. They ought to be lectures of wisdom. Taking up the matter in this point of view, what delicacy ought to be attached to the expression of sentiment! Let it be considered that on a single thought may depend the essence of liberty; health or poison may be communicated by a word. For the toasts of this day are considered as indications of the public will, and yet without a due sense of the solemn obligations of honour and honesty, toasts are brought forward, perhaps by an individual, in accommodation to a local prejudice, and merely to accomplish the purpose of an election to a public body. For the fact is that toasts are not always the real expressions of the sentiments of even a majority of those who suffer them to pass; they are introduced by the mistake of those, who substitute the sentiments of the uninformed, for that of the whole community. But all that is illiberal, on these occasions ought to be avoided; all inhumanity, and injustice; all anticipation of judgment, on cases depending; all expressions calculated to inflame the decision. For a popular clamor once raised is difficult to be resisted.

Democracy has its strength in strict integrity; in perfect delicacy; in elevation and dignity of mind. It is an unjust imputation, that it is rude in manners, and coarse in expression. This is the characteristic of slaves, in a despotism; not of democrats in a republic. Democracy embraces the idea of a standing on virtue alone; unaided by wealth, or the power of family. This makes "the noble of nature," of whom Thomas Paine speaks. Shall this noble not know his nobility, and be behind the noble of aristocracy, who piques himself upon his honor, and feels a stain upon his delicacy as he would a bodily wound? The democrat is the true chevalier, who, though he wears no crosses, or the emblazoned arms of heraldry, yet is ready to do right and justice to every one. All others are impostors, and do not belong to the order of democracy. Many of these there are, no doubt, false brethren, but shall the democrat complain of usurpation; of undue influence; or oppression and tyranny from ambitious persons; and not be jealous, at the same time, of democratic tyranny in himself, which is the more pernicious, as it brings a slur upon the purest principles?

It has been asked, why have I taken my clown *from the Irish nation?* The character of the English clown I did not well understand; nor could I imitate the manner of speaking. That of the Scotch I have tried, as may be seen in the character of Duncan. But I found it, in my hands, rather insipid. The character of the Irish clown, to use the language of Rousseau, "has more stuff in it." He will attempt anything. I find, however, that it has greatly displeased some of my friends of that nation, which I deeply regret; for there is no people whom I more admire for the many noble qualities which they possess.

The American has, in fact, yet no character; neither the clown nor the gentleman; so that I could not take one from our country, which I would much rather have done, as the scene lay here. But the midland states of America, and the western part in general, being half Ireland, the character of the Irish clown will not be wholly misunderstood. It is true the clown is taken from the aboriginal Irish, a character not so well known in the north of that country; nevertheless, it is still so much known, even there, and amongst the emigrants here, or their descendants, that it will not be wholly thrown away.

On the Irish stages, it is a standing character; and on the theatre in Britain, it is also introduced. I have not been able to do it justice, being but half an Irishman myself, and not so well acquainted with the reversions and idiom of the genuine Thady, as I could wish. However, the imitation, at a distance from the original, will better pass than if it had been written and read nearer home. Foreigners will not so readily distinguish the incongruities, or, as it is the best we can produce for the present, will more indulgently consider them.

I think it the duty of every man who possesses a faculty, and perhaps a facility of drawing such images as will amuse his neighbor, to lend a hand and do something. Have those authors done nothing for the world, whose works would seem to have no other object than to amuse? In low health; after the fatigue of great mental exertion on solid disquisition; in pain of mind from disappointed passions; or broken with the sensibilities of sympathy and affection; it is a relief to try not to think, and this is attainable, in some degree, by light reading. Under sensations of this kind, I have had recourse more than once to Don Quixotte; which doubtless contains a great deal of moral sentiment; but, at the same time, has much that can serve only to amuse. Even in health, and with a flow of spirits, from prosperous affairs, it diversifies enjoyments, and adds to the happiness of which the mind is capable. I trust, therefore, that the gravest persons will not be of opinion that I ought to be put out of the church, for any appearance of levity which this work may seem to carry with it.

I know there have been instances amongst the puritans, of clergymen degraded for singing a Scotch pastoral. But music is a carnal thing compared with putting thoughts upon paper. It requires an opening of the mouth and a rolling of the tongue, whereas thought is wholly spiritual, and depends not on the modification of the corporeal organs. Music, however, even by the strictest sects, is admissible in sacred harmony, which is an acknowledgment, that even sound has its uses to soothe the mind, or to fit it for contemplation.

I would ask, which is the most entertaining work, Smollet's History of England, or his Humphrey Clinker? For as to the utility, so far as that depends upon truth, they are both alike. History has been well said to be the romance of the human mind, and Romance, the history of the heart. When the son of Robert Walpole asked his father whether he should read to him out of a book of history, he said, "he was not fond of Romance." This minister had been long engaged in affairs, and from what he had seen of accounts of things within his own knowledge, he had little confidence in the relation of things which he had not seen. Except memoirs of person's own times, biographical sketches by cotemporary writers, Voyages and Travels, that have geographical exactness, there is little of the historical kind, in point of truth, before Roderick Random, or Gil Blas.

The Eastern nations convey moral instructions almost entirely by parables or tales. Nor is the story with them the less amusing because it is not true. Nor is the moral less impressive, because the actors never had existence. Nor can it be said to be false, when it paints characters that are found among men, and represents life and manners with truth and fidelity.

Comparing great things with small, we have written this book in the manner of certain ancients; that is, with a dramatic cast. The book of Job is among the earliest of all compositions; and after an introduction, containing an account of his misfortunes and malady, introducss the speakers in three different characters and names, each sustaining his opinion; and giving the author an opportunity to canvass the subject he had in view, the ways of Providence, and to give lessons of humility and resignation to man.

The Socratic schools have distinguished themselves, and amongst these, chiefly Plato, in his Dialogues, and Zenophon, in his Symposium or Banquet.

It has been followed by the Romans; of whom Cicero, in his book treating of the qualifications of an orator, or, as we commonly style it, de oratore, is the happiest instance. And Sir Thomas Moore introduces his Utopia in this manner.

The vehicle which I have chosen of supposed travels, and conversations, affords great scope and much freedom, and furnishes an opportunity to enliven with incident. Doubtless, it is of the same nature with many things in the novel way, written by philosophic men, who chose that form of writing, for the purpose of merely conveying sentiments, which in a didactic work, under the head of tract or dissertation, could not easily gain attention, or procure readers.

But the characters which we have introduced, are many of them low. That gives the greater relief to the mind.

> The eye withdraws itself to rest
> Upon the green of folly's breast.

Shakspeare has his Bardolph, Nym and Pistol, and the dialogue of these is a relief to the drama of the principal personages. It is so in nature; and why should it not be so represented in the images of her works? We have the sage and the fool interspersed in society, and the fool gives occasion to the wise man to make reflections. It is this which forms one of the charms of Shakspeare.

CHAPTER XVIII.

An epistle from a reading tailor to the author, with the author's reply

This work, y'clept Modern Chivalry, having fallen into the hands of a maker-up of vestments for the human body, in the Latin language denominated sartor, vestuarius, sarcinator—for it would seem they had tailors among the Romans, one of these, I say, had come across this book, and reading a little of it occasionally on his shop-board, seems to have felt some irritation at the obscurity of certain terms not well understood, being in the Latin or Greek language, or derived from thence; so that not being able to get at the root, he could not comprehend the stem of the tree, nor enjoy the adumbration of the branches and foliage. I had received from him the following letter, in which he cites scripture against me; so that I could not well avoid answering him, having made the matter so serious. I do not give the date of his letter to me, nor of mine to him, as not being material to the predicaments of the ubi or the quando, that is the when or the where of Aristotle; nor is it material that I give the name or the sir-name, or, as the Romans would have said, the nomen, pronomen, or cognomen of the artist in this case. It is sufficient that I give his ideas, as they came from under his goose, hot from the press, as they might be said to be. After some introductory compliments, which I omit, he comes to the point, or, in other words, takes up his parable, and says—

"When your book came my way, I read all of it that I could understand, and gave it to my apprentices to read, and I hope it has been useful to them; but no doubt it would have been more so, had it been all written in the English tongue. But, unfortunately, some of it is written in a kind of foreign lingo, which neither they nor I have any knowledge of, having only learnt English or American. But I do not mean to include in what I do not understand, that which is put into the mouth of Teague, as Irish brogue; nor anything that Duncan is made to say, or actually did say; for the dialect of Duncan, which is called Braid-Scots, or what is the same thing, Scots-Irish, was my mother tongue. That I might not be mistaken, I asked our schoolmaster what language he took it to be that forms the lining or wadding of your book. He told me that it was Latin, a language spoken some ten or fifteen hundred years ago, by a race of Pagans, who inhabited a part of Italy, and was still used by the priests of the Romish Church, in the performance of some of the more solemn parts of their worship, but was not the vernacular tongue of any people on earth at this day,—except in an interior country of Europe, called Hungary, where it was said to be spoken by the hostlers, —nor was it likely that it ever would; though there were words borrowed from it in many of the European languages which, however, were now perfectly naturalized. I asked him if he could conjecture what could move you to write Latin; or at least make Latin quotations to a people very few of whom understood anything but English, and Dutch, and some Irish? He told me that he had long considered it the infallible criterion of a learned man, to understand Greek and Latin; that it was very common with writers to throw in sentences, here and there in their productions, in order to let their readers know that they were learned, or, at least to make them think so. I presume the school-master was correct. But surely there was no necessity to break the thread of your discourse for this vain purpose. I anticipate your repeating those obsolete antiquated arguments, that have been so often urged and so often refuted, to induce people to waste the precious season of youth in learning languages, which never can be of any avail to them until the resurrection; and not then, unless they should be placed in a colony of ancient Romans or Greeks. Nor am I certain that the Latin and Greek which are now learned out of the few remaining books written in ancient times, would be understood by the mass of the people who then lived in those countries. This I know, that if we could talk no other kind of English than that used by our poets and prose writers, we could not transact much of the business of common life. A shop-keeper, for instance, could not do the business of one day in his shop; nor could we find words sufficient to buy and sell a horse. But, you will say, we must know the roots of words. What signifies whence the root came from or where it lies, if we know the meaning of the word? To understand the English, must a person learn all the languages from which it is derived? If it be so, he must spend a life in learning languages; and indeed a long life would not suffice. But the thing is absurd. We know that those who never learned Greek or Latin, understand the meaning of the words, sermon, oration, audience, amorous, subpœna, scire facias, and an endless variety of other words, as well as the best Latin or Greek critics. They understand nothing about their roots, but they understand the ideas they are used to convey, just as well as those who have dug for four or five years to reach the root. If half the time of young people was employed in acquiring a knowledge of the English tongue, that is wasted in teaching them dead languages, they would be much better English scholars. Solomon says, "a living dog is better than a dead lion." But I have have no objection that those who can afford it may learn as many languages as they please; provided that men of sense would not indulge the vanity of mixing their writings with unknown phrases. This induces people to buy their books; to whose great disappointment and mortification, when they peruse them, they find the sense every now and then broken and interrupted, by foreign jargon, without any explanation or interpretation, which would be quite as well were it left blank. Now, there is no justification or apology for the trick; for those who understand English and Latin, would understand it quite as well were it all English. But thousands who could understand it were it English, cannot make sense of the Latin; and often without understanding the Latin, the sense of a good deal that goes before, and follows after, is lost. If a man will write Latin, let him write his whole book in Latin, and in that case mere English scholars will not be imposed on. Nothing in the world frets or vexes me more than to be stopped in a subject in which I feel myself deeply engaged, by a gap filled up with the rubbish of an unknown tongue. Permit me to call your attention to the 14th chapter of Paul's first epistle to the Corinthians. St. Paul understood as many languages, both by inspiration and education, as all the lawyers, doctors and divines in America; yet he had not the vanity of making a display of his learning where it could answer no good purpose, and severely censures those who did so. He seems to have been fully sensible of his great gifts and acquirements in this matter; yet he despised exercising those gifts merely to show his skill, and to puzzle those whom he addressed. I am inclined to think, that those tongues that Paul understood so well, were living tongues, not languages which were dead and buried some thousand years before his time. It is probable he understood the Hebrew, and whether or not this was the language spoken by the Jews, in Paul's time, I am not antiquarian enough to know; but rather think, from their being so long mixed with other nations, it was not the ancient Hebrew. If so, I am persuaded he would not bother them with it, either in his speeches or writings. If I were in the habit of betting, I would venture something that his epistle to the Hebrews is neither written in the ancient Hebrew tongue, nor is it crammed everywhere with quotations from this tongue. St. Paul was an humble, modest man, and neither vain of his attainments nor of his gifts; I mean those which he had by inspiration or by education."

So far this respectable artizan, to whom, as civility demanded, I drew up and directed an answer; and having given that from him to me a place here, it will be but justice to myself, to insert that to him from me, in this book also. It was as follows:

"In that very epistle which you cite, we have the authority of St. Paul in favor of acquiring languages. In verse 5 of chapter 14, he says, 'I would that ye all spake with tongues.' In our day, when inspiration has ceased, it is only by human means that a knowledge of tongues can be acquired; nevertheless the advantages must remain the same; and the Apostle must be considered as still disposed to say, 'I would that ye all spake with tongues.' To say the least of it, it can do no harm, even now, to be able to converse in more languages than one, though there may not be the same necessity as at an early period, where the gospel was to be preached to every creature. Whether the time is wholly thrown away, that is spent at the academies, in acquiring a knowledge of what are called the dead languages, so as to be able to understand the books that are written in those tongues, is a dispute into which I shall not enter; because the chief thing that I am anxious to defend myself against, is the impropriety of introducing the knowledge that one has of these in an improper place; that is, to those who do not understand them; which may be considered, supposing the acquisition valuable, as 'throwing pearls before swine.' As to the imposing upon a purchaser, it is out of the question, since a bookseller will permit one to look at the book before he purchases. And if he sees anything in Latin or Greek, he can refuse to purchase. He is under no necessity of purchasing a pig in a poke, in this case; and as to fretting and vexing a reader, it must be referred to his own evil passions to be so disquieted when he has purchased with his eyes open. You seem to speak in this case, or at least to write, as if all books were to be made for you, and to your particular taste;

not considering that there are some who value a work the more for having a sprinkling of Greek and Latin, or other language, dead or living. When you make a coat for your customers, do you not find some who will choose a cape of velvet to a cloth coat; and, perhaps, the cape of a different color from the coat? If you were to make up coats not bespoke, would you not look to the possible taste of what might be thought fashionable, adjust your own taste to that of the public's, and put, perhaps, buttons on the haunches where there is no use for them; and not even holes alongside, to accomplish the fashioning of part to part? For you could not be sure that those alone of the Friends or Quakers' Society would be your customers. The costume of military men is blue and buff, or red and white facings, in some instances, and it will behoove you to accomodate to this, though your own choice would be a coat of one color throughout. We find from the scripture, that "Israel made his son Joseph a coat of many colors." This, doubtless, because according to his notion of things, it was the more splendid. Whether it was woven with stripes of many colors, or of mixed dyes in the warp and woof, like the plaid of the Caledonians, the text does not say. It might be made up of small pieces of different colors, put together as thrifty housewives make what is called patch-work. I have seen what is called a rag carpet, made up by industrious women; and variegated from the materials of which it was composed. Hogarth in his analysis of beauty, lays down variety to be a principle of this, as well as utility. To reduce, therefore, everything to what is absolutely of one appearance, would interfere with the embellishments of dress, and, in many other cases, with what pleases the eye. Why does nature give us red, purple, and all the colors of the raindbow, in trees, plants and flowers, but because these please the sense of man? But the eye, you will say, can comprehend these; but the unlettered mind cannot comprehend Latin, and much less Greek, or Hebrew, or Samaritan. But is there not a sublimity in the obscure? At least the great Burke, in his treatise on sublimity, so lays it down. In the natural world, there is something in darkness which impresses the mind with awe. A lowering cloud brings an impression of dignity and grandeur. In the natural world, is there not more in mystery than in what is self-evident? Why, otherwise, do we value preachers in the pulpit, in proportion to their dwelling on what is unintelligible? Mere morality, and nothing more, says the hearer; I want something that I cannot understand. What sort of doctrine is that which is little more than human knowledge; and being so, cannot be orthodox? Give me the divine, says one, that will speak through his nose, whack the pulpit, and make the whole house ring: who will shut his eyes, open his mouth, and stamp with his foot, and tell the agel Gabriel to wait a bit, till he can take the news to heaven of one converted sinner. It is of no moment whether I understand his words or not; or rather, I would not wish to understand him, for if I did, I would take it for granted that it was not so deep as it ought to be.

This book is written for individuals of all attainments, and of all degrees of intellects. What hinders me, therefore, to season the word with what may please the Latin or Greek scholar? I refer you to your own Paul, who says in the same epistle, chapter 9th, verse 22d, "To the weak I became as weak, that I might gain the weak." Now, supposing me to consider this pie-balding of a work, by the interspersion of different languages, to be but little more than pedantry, and to savor of an affectation of learning; yet, may I not be looking at some great examples over the water, or perhaps on this side, who have seasoned their compositions with the same salt and pepper, which to the natural taste might not perhaps be so well suited. You appear to be a religious man, by your quoting St. Paul, and no doubt have read some, or perhaps most of the religious books that have been published in England and Scotland, subsequent to the era of the reformation, or about that time; and will you not find these abundantly replete with quotations from the Greek and Latin fathers? And it cannot be supposed that tradesmen of that day were better acquainted with what you call the dead languages than what you allege yourself to be. And I doubt whether in a new edition of these writings, you would suffer the sentiments, though in an unintelligible tongue, to be struck out of those books; and yet you complain because in this unsanctified work I make a little free, or cabbage a sentence, now and then, from a Pagan poet or prose writer, because fraught with good sense and sound morality. Why not translate these quotations? you will say. Because I am afraid of insulting learned men, who would resent it as being thought necessary to them. What! they would say, did this blockhead take it for granted, that they were all pedlars and bog-trotters in this country, and did not understand the Greek or Latin tongue? If that be the case, let it be left to Snip, or Crispin, or Traddle to read it. As for us, we have no need of a translation of sentences that are in every one's mouth, that can pretend to be scholars."

Such was my answer to this worthy person; but what could be expected from an unlettered man writing to me, but misconception of the advantages to be derived from classical learning, and a repugnance to all that did not flatter the vanity of such readers, but must put them in mind of the deficiency of their education? With such, what can we expect but levelling sentiments inchurch and state?] It is the nature of man, that if he cannot raise himself to the attainments of the learned, he will be disposed to bring down academic studies to his own opportunities. There have been even men of academic education, in our day, that to escape the imputation of pedantry, will avoid even at the bar, the uttering of a Latin maxim, though they may have these derived from the Civil Law, at their fingers' ends. Not so Mansfield, or Kenyon, or M'Donald, or Ellenborough; at least, not so Coke, or Bacon, Campden, or other great masters of the law. Profound research is not consistent with such squeamishness of shunning quotations in the learned languages, but a richness of quotation of pithy sentences in the Latin tongue, is some evidence of reading such reports as those of Dyer, Plowden and Hobart.*

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* The author wished to reach the mass of the people, and disperse sound maxims and principles, moral and political, not merely among the more reflecting and serious portion, but among the unlettered and unthinking; by presenting them a book, professedly to amuse, concealing the design to instruct, which might disgust. He had in view the honest mechanics, yeomanry, and laborers. We see in the

We cannot entertain a doubt, consistent with revelation, but that, at the first propagation of the gospel, the gift of tongues was communicated to simple men by inspiration; but, in what proportion we do not find. For, that there was less or more in the communication, is evident from what St. Paul says; "I thank my God, I speak with tongues more than ye all." But if the speaking with tongues was considered a blessing, from inspiration, is the acquiring these by ordinary means to be undervalued? A knowledge of languages can be acquired only in the academies, or by travelling, unless the individual has had the advantages of several cradle languages, or vernacular tongues taught in his infancy; which was the case with Paul, having had the advantage of being born of Hebrew parents, and of being bred at Tarsus, where the boys in the street spoke Greek, Latin, Syriac, and perhaps many other tongues; this being a city alternately under the dominion of the Greeks, the Romans, the kings of Syria, and others. St. Paul had this advantage of the other Apostles, setting aside what he might have had by inspiration. Doubtless, he reproves the making a parade of these or any other endowments of the body or mind, or the speaking to people in a language they understood not. But what has this to do with making a book, when it cannot be told who will take it up to read? It may be one who can understand nothing but the Latin part; and is it not reasonable that he should have something for his money? the author putting off his manufacture, in the meantime, by what some readers may consider an ornament and not a blemish? It is thus that we set down on a table meats to suit all palates.*

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case of Mr. Burritt, that a working blacksmith may become a learned man, if he will use his opportunities, or make them.

* The utility of studying the Classics, in the Greek and Latin, is a vexed question. In my opinion, education cannot be complete without it; yet I do not fully agree with the author, who was himself a master of them, that they are absolutely necessary, to the extent to which the study has been carried. They are undoubtedly of great use, and a great accomplishment when acquired. On the one hand, they may be undervalued by those who are ignorant of them; on the other, overrated by those who have devoted years to their acquisi-

CHAPTER XIX.

Further particulars respecting the memoirs of O'Regan. The St. Tammany Society.

If the memoir of O'Regan had not advanced him to a professor's chair, it had, at least, procured him admission to a number of learned societies, abroad and at home.

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tion. Two reasons may be given why they are of less importance at the present day: The first is, the immense enlargement of the circle of science. The second, the existence of classic writings in modern languages. There is undoubtedly a bigotry of the learned on this subject. It might as well be contended, that no one can be a perfect scholar who has not taken his degree at Oxford.

The reasons in favor of studying the dead languages are—1st. The *discipline* of learning and fixing the attention to a difficult and laborious mental operation. 2d. The knowledge of our own language, so large a portion of which is derived from Greek and Latin. 3d. The ability to see and understand the numerous allusions to the Clasics, even where there is no quotation. 4th. A knowledge of the principles of language in general, as a science; its structure and composition, by putting it together and taking it apart, like some piece of machinery. 5th. A perfect acquaintance with the best models of composition, in all its varietes, to which the classical writers attained. These are not all the reasons, but the principal.

I am in favor of studying the Classics, but not of giving so much time to them as is now practised. I would confine the minute and perfect knowledge of them to professed teachers, who need not study anything else. To general scholars I would give such knowledge as may be acquired in two or three years. I would teach the Greek and Latin Grammars perfectly, and read some of the minor school books. After this I would read elevated prose translations of Virgil, Homer, and Horace; and the best translations of other classics; so as to save time in reading them afterwads. The *general idea* or outline, as a whole, should be acquired, before going into the details. It is a wretched loss of time, to spend hours and days in

But notwithstanding the most pressing invitations, he could not be brought to accept of an introduction to the St. Tammany Society, owing to the aversion he still entertained of being made an Indian chief, from which he had a narrow escape. For unfortunately, it had been explained to him, that St. Tammany was an Indian Saint, and that the society met in a wigwam, and exchanged belts. They offered to make him a Sachem, but all to no purpose; the idea of scalping and tomhocking hung still upon his mind. It was by compulsion, in France, that he took upon him the character of an Indian, in the procession of Anacharsis Clootz.

The Captain presented himself to the society, explaining these things; and that in fact, such had been the alarm of the author of the memoir, at the proposition of being made a member, that he had absconded a day or two before. The society took his excuse, and made the Captain an honorary member in his place.*

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unravelling a sentence, or thumbing dictionaries for a word. I am therefore in favor of interlinear translations, in studying the originals, after reading the free translations. Let this time and expense of labor be spent for something of more practical utility. The quicker an author's meaning can be found, the better. If repetition be necessary to fix in the memory, let the book be read a second or a third time; and then it will be read with pleasure. It will thus be remembered as well as Robinson Crusoe or the Pilgrim's Progress. Let the outline, the plan, the story, the ideas, be first mastered. I read a translation of Virgil in French; and after this, reading it in the Latin, in a class, I found that I had a great advantage over my classmates; I procured ideas, they only words. If the scholar, after this, shows dislike, you may rest assured that literature is not his vocation, at least this branch of it: although he may have great aptitude for the sciences, mathematics, natural history, &c. &c.

The utility of acquiring living languages, is a different question.

[EDITOR.

*The St. Tammany Society, whatever may have been its origin, has degenerated into a political club, where schemes of party politics are discussed and matured. This Indian Chief, Tammany, was well known in the neighborhood of Philadelphia, having his home on the Delaware, about one hundred and fifty years ago.

This was no object with the Captain, as he was a candidate for no office, and could draw no advantage from a promiscuous association. Nor did he see that he could be of any use to mankind in this new capacity; as the propagation of the gospel in foreign parts, or amongst the savages, made no part of the duty. For, though Tammany himself may have been a Saint there are few of his disciples that can pretend to sanctity, superior to common christians; or at least, their piety consists more in speculation, than in active charity and practice. We hear of no missionaries from them among the aborigines of the continent, as we should be led to expect from being called the St. Tammany society. For it is to be presumed, that this Saint had been advanced into the calendar from the propagation of the christian faith, as was St. Patrick, St. Andrew, and others. And though, as to these old societies, with that of St. George, St. David, &c. the duty of Evangelists may be excused, the countries to which they belong being long since christianized; yet the native Americans which St. Tammany represents, are whole nations of them infidels. The sons of St. Tammany ought certainly to think a little of their brothers that are yet in blindness, and lend a hand to bring them to light. It is not understood, that even a talk has been held with a single nation of our western tribes; though it could have cost but a few blankets and a keg of rum to bring them together, and in council a little wampum and killikaneeque.

But our modern churches have not the zeal of the primitive; or that zeal is directed to a different object, the building up the faith at home, and that civil affairs more than spiritual doctrines. It is not the time now to go about in "sheep-skins and goat-skins," to convert the heathen to the gospel; but to beg the citizens to vote for this or that candidate. The Cincinnati, being a mere secular society, is excusable; but the St. societies would seem, in this, to depart from the etymology of their denomination. I know that some remark on the word Cincinnatus; and think that it ought to be pronounced, as well as spelled, St. Cincinnatus; and in that case all would be on a footing. I have no objection, provided that it makes no schism; for even the alteration of a name might make a schism. And a schism in a society militant, such as this is, might occasion a war of swords, and not of words only. I will acknowledge that I would like to have the thing uniform, St. Cincinnatus with the rest. So that, if it could be brought about without controversy, it would contribute to the utility of designation. But controversy is, above all things, to be avoided. And nothing is more apt to engender controversy than small matters; because small matters are more easily lost than great. Or, because it vexes a man more, to find his adversary boggle at a trifling matter of orthodoxy when he has swallowed the great articles of credence, than to have to pull him up, a cable's length, to some broad notion, that separates opinion and belief. To apply it to the matter of spelling—*qui hæret in litera, hæret in cortice;* that is, to give it in English, it may depend upon a single letter how to draw a cork. All consideration, therefore, ought to be sacrificed to good humor and conviviality; and I would rather let the heathen name remain, than christian it at the expense of harmony and concord. I am opposed to all force, or even show of force, in matters of opinion, where men may honestly differ. Let reason oppose, if wrong, and also ridicule, although I admit that ridicule is not always a test of truth, for a buffoon may use this weapon as well as the wise. But to return from this digression, to the St. Tammany Society, of which I was speaking, and which had some time ago convened.

It was a new thing to the Captain, to take a seat in the wigwam, and to smoke the calumet of peace. But he was disappointed in his expectations of seeing Indian manners and customs introduced, and made a part of the ceremony. There was some talk of brightening the chain, and burying the hatchet; but he saw no war dance. What is more, even the young warriors were destitute of the dress. There was not a moccasin to be seen on the foot of any of them; not a breech-clout; nor had they even the natural, or rather native brands and marks of a true born Indian. No ear cut in ringlets; no broach in the nose, or tatooing on the breast. All was as smooth and undisfigured as the Anglo-Americans, that inhabit our towns and villages.

The Grand Sachem made a speech to the Captain, not in

Indian, but in German; which answered the end as well; for he did not understand it. But it was interpreted, and related to the proposition of making him a Chief, which he declined, professing that it was more his wish to remain a common Indian, than to be made even a half-king,* not having in view to remain much in the nation, or attend the council fires a great deal. He contented himself with putting some queries relative to the history of St. Tammany; of what nation was he? Did he belong to the North or the South? The East, or the West? On what waters did he make his Camp? How many moons ago did he live? Where did he hunt? Who converted him, or whom did he convert? Why take an Indian for the tutelary saint of the whites? Why not Columbus, or Cabot? Where did his saintship originate?

To these queries the Chiefs could give no answer; nor is it of much moment whether they could or not. Some of them are not worth answering.

CHAPTER XX.

This chapter may be passed over by those who wish to keep the thread of the narrative.

Among the Romans, there was one of their heathen deities, whom they called Appollo, a being of very superior judgment, and good sense, who often stood by people, and when they were about to say, or do some foolish thing, he would give them a twitch of the ear, to bid them stop—

Aurum velluit———

I cannot say that I felt such a twitch while I was writing the last chapter; unless figuratively; meaning some little twitch of the mind, recollecting, and reflecting, that it might possibly give offence to public bodies and societies, especially the St. Tammany, and Cincinatti; though *none was intended.* But it is impossible to anticipate in all cases, the sensations of others.—Things will give offence, that were ment to *inform and assist:* or to please and divert. In the case of public bodies espesially, no man knows, what may make an unfavorable impression. It is necessary, or, unavoidable as it might be translated, "that offences come, *but wo to him by whom they come.*" One would think that in a free country, there might be some little more moderation with regard to what is done and said. It is a maxim in law, that words are to be construed, "mitior sensu ;" or in the milder sense. It is a scriptural definition of charity, "that it is not easily provoked."—Whereas, on the contrary, an uncharitable disposition is ready to misconstrue, and convert to an offence. A town, a society, a public body, of any kind might be presumed to bear more than an individual, because, the offence being divided amongst a greater number; it can be but a little, that will be at the expense of any one person. If therefore, any son of St. Tammany, or St. Cincinnatus, should feel himself hurt by our lucubration, let him consider that it is better to laugh than be angry ; and he will save himself, if he begins to laugh first. Though, after all, some will say, there is nothing to laugh at; and in this, they will be right, for at the most, it can only be *a smile.* It is a characteristic of the comedy of Terence; that he never forces your laugh ; but to smile only. That I take to be the criterion of a delicate and refined wit; and which was becoming the lepos, or humor of such men, as Lelius and Scipio, who are thought to have formed his taste, and assisted him in his dramatic compositions. Yet I must confess, if I could reach it, I would like the broad laugh, but it is difficult to effect this, and not at the same time fall into buffoonery, and low humor. Laughing is certently favourable to the lungs; and happy the man, whose imagination leads him to risable sensations, rather than to melancholy.

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* A half-king means double king, or king of two nations, who have him split between them.

All work, and no play, makes Jack a dull boy. But I have no idea of laughing, any more than of playing, without having performed the necessary task of duty, or labour. An idle laughing fool, is contemptible and odious; and laughing too much is an extreme which the wise will avoid. Take care not to laugh, when there is nothing to laugh at. I can always know a man's sense, by his song, his story, or his laugh. I will not say his temper, or principles; but certainly his share of understanding.

We have been often asked for a key to this work. Every man of sense has the key in his own pocket.--His own feelings; his own experience is the key. It is astonishing, with what avidity, we look for the application of satire which is general, and never had a prototype. But the fact is, that, in this work, the picture is taken from human nature, generally, and has no individual in view. It was never meant as a satire upon men; but upon things. An easy way, to slur sentiments, under the guise of allegory; which could not otherwise make their way to the ears of the curious. Can any man suppose, upon reflection, that if ridicule was intended upon real persons it would be conveyed in so bungling a manner that people would be at a loss to know who was meant? That is not the way we fix our fools caps.

Let any man put it to himself, and say, would he wish to be of those that give pain by personal allusion, and abuse? Self-love, for a moment, may relish the stricture; and could never endure to be thought the author. In attacking reputation, there are two things to be considered, the manner, and the object. When the object is praise-worthy, there is an openness, a frankness, and manliness of manner, which commands respect. But even where the object is a public good, the manner may excite contempt. Let our editors of news-papers look to this, those of them who wish to be considered gentlemen; such as have no character to lose, and never wish to have any, may take all liberties and occupy their own grade.

But, as we were saying, public bodies and societies of men, ought not to take offence easily, nor resent violently. "As they are strong, be merciful." A single person is not on a footing with a great number. He cannot withstand the whole, if they should take offence without reason; and he may be conscientiously scrupulous about fighting, or be afraid to fight; which will answer the end just as well; or he may have the good sense and fortitude to declare off; which, by the bye, requires more courage than the bulk of men possess. It requires a courage above all false opinion; and the custom never will be put out of countenance, until some brave men set the example. There is nothing that a wise man need fear, but dishonor, founded on the charge of a want of virtue; on that which all men, of all places and of all times will acknowledge to be disreputable. Under this head will not be found the refusal of a challenge. Nothing can be great, the contempt of which is great. Is it not great to despise prejudice and false opinion? "He that ruleth his spirit is greater than he that taketh a city:" but he that is above the false sentiments of others, presents to me the image of a superior power, that ascends through the vapors of the atmosphere, and dissipates the fog. The world is indebted to the man that refuses a challenge; but who can owe anything to him that accepts it? for he sanctions an unjust law of public opinion, which it is the duty of every good citizen to oppose by the weight of his influence. Doubtless, the accepting of a challenge is pardonable as a weakness; but still it is a weakness. The man is a hero who can withstand unjust opinion. It requires more courage than to fight duels. To sustain life, under certain circumstances, calls for more resolution than to commit suicide. Yet suicide is not reputable. Brutus in the schools condemned it; but at Philippi, adopted it; because his courage failed him.

But cudgelling follows the refusal of a challenge. Not if there is instant notice given to a peace officer. But posting follows. Notice of that may be given also, and a court and jury brought to criticise upon the libel.

Why is it that a public body is more apt to take offence than an individual? Because every one becomes of consequence, in proportion as he is careful of the honor of the whole. It is oftentimes a mere matter of accident, whether the thing is well or ill taken. If one should happen to call out, that it is an insult, another is unwilling to question it, lest he should be suspected of incivicism, and lose his standing in society in general, or in that to which he more particularly belongs. The misconception of one forces itself upon another, and misconstruction prevails. That which was the strongest proof of confidence in the integrity and justice of the body, is viewed as distrust; and a concern for their honor considered a reproach. The most respectful language termed insolence. Implicit submission attributed to disrespect. Self-denial overlooked, and wantonness of insult substituted in its place. This, all the offspring of mistake, which it is the duty of the individual to remove. But how can he speak, if his head is off before he knows that the offence is taken? Protesting, therefore, that I mean no offence to either of these societies, or the individual members, in anything I have said, I request them to take it in good part; or, if there should seem to be ground of affront, they will give me a hearing, and an opportunity to explain.

There is no anticipating absolutely, and to all extent, what a person might say for himself if he was heard. That presumption which existed might be removed. His motives might appear laudable, or, at worst, originating in a pardonable weakness. If therefore anything in these chapters should unfortunately give umbrage to the sons of St. Tammany, or to the Cincinnati members, I pray a citation, and demand a hearing. I trust I shall be able to convince them that I am not deficient in respect for them individually, or as public bodies.

CHAPTER XXI.

The meditations of the Captain on the subject of government.—The demagogue and the patriot—the one flatters and the other finds fault.

The Captain taking a solitary walk in a neighboring grove, fell into a revery on the nature of government. And we shall here use the privilege of authors, who are not only cognizant of the actions but also of the thoughts of their heroes. A union of mind and corporeal force, thought he. It makes all the difference that we see between the savage and civilized life. The plough, the pully, the anchor, and the potter's wheel, are the offspring of government; the loom, the anvil, and the press. For without the protection of government of some kind, these would never be invented, at least, perfected. Much of man's natural, or rather wild liberty, must be given up, when he becomes a member of society. There must be a power somewhere to protect, and consequently to restrain. But how difficult to link man with man; how difficult to preserve a free government! The easiest thing in the world, says the clown, if the sage will only let it alone. It is the philosopher that ruins all.

There is some foundation for this. A mere philosopher is but a fool in matters of business. Even in speculation, he sometimes imagines nonsense. Sir Thomas More's Utopia has become a model for no government. Locke's project was tried in South Carolina; it was found wanting. Imagination and experiment are distinct things; there is such a thing as practical sense. Do we not see instances of this every day? Men who can talk freely, but do nothing. They fail in everything they attempt. There is too much vision mixed with the fact. Want of information of what has been; the not examining the fitness and congruity of things, leads to this. You see a mechanic framing a machine. A chip less or more, spoils the joint.

Where is the best account to be found of the Roman commonwealth? In Polybius. In what did its excellence consist? In its checks and balances. What invented these? The exigencies of the case. Some were adopted in the first instance; others as remedies to the mischiefs that occurred. Were the sages of any use here? A little. Sallust says, "considering the history of the Roman people, that the Gauls were before them in bravery, and the Greeks in eloquence: yet Rome has become the mistress of the world; I have found that it has been owing to a few great men that happened to rise in it." Were these men demagogues? Not in a bad sense of the word. They did not deceive the people for their own ends. How do demagogues deceive people? How do you catch a nag? You hold a bridle in your left hand, behind your back, and a hat in your right, as if there were something in it, and cry cope! What do demagogues want by deceiving the people? To ride them. What do they pretend they have in the hat? Oats, salt, anything they find a horse likes.

How do you distinguish the demagogue from the patriot? The demagogue flatters the clown, and finds fault with the sage. The patriot and the sage, unless you mean the vain philosopher, mean the same thing. The Jewish prophets were all of them sages. They were seers, or men that saw far into things. You will find they were no slouches at blaming the people. "My people, Israel, is destroyed for lack of knowledge." "I am wounded in the house of my friends." This may be said of liberty, when republicans give it a stab. The Lamentations of Jeremiah are but the weepings of a patriot over the errors of the people. Yet the people are always right, say the demagogues. I doubt that. Tom fool may laugh at the expression, "save the people from themselves;" nevertheless, there is something in it. It is a scripture phrase, "go not with a multitude to do evil;" which would seem to imply that the multitude will sometimes do wrong.

Do the multitude invent arts; or some individuals among them? It is sometimes a matter of accident; sometimes a matter of genius. But it is but one out of a thousand that happens to hit upon it, or that has the invention to contrive. But government is an easy matter, and has no wheels like a watch. What is it that enables one man to see farther into things than another, in matters of government? What is it that makes him a seer? Thinking, looking, examining. Does it come by inspiration? More by experience. What are the wheels in our government that are like to go first? The judiciary, the senate, the executive; in short, the checks and balances of the constitution. The most numerous branch of the legislature, will then represent the mob, as objects are seen, on a diminished scale, in the camera obscura. Where power is in the hands of an aristocratic senate, like that of Venice, it will soon fall into the hands of the few. That of Venice was at first elective, then permanent, then power was confined to a committee of ten, then of three persons, unknown and irresponsible. In all cases there is an ultimate tendency of power to steal away from the many to the few; it is to guard against this that all our checks and balances are necessary. Is the order indicated, that in which they will go? Precisely.

Does any man mean it? Not at all. How can it then happen? In the natural progress of things.

But we have the press here. Suppose a leading print in the hands of a patriot. He will keep all right. Yes, provided he is a sage at the same time. That is, that his information on the nature of government is equal to his patriotism; or that his passion does not betray him into error. The Journal of L'Ami du peuple, by Marat, was patriotic; but it ruined the republic. An uninformed, inflammatory print is a corruptress of public opinion. It is the torch that sets Troy on fire. There is no Marat amongst us, at the head of a Journal; but there may come to be. It is a difficult thing to trim the state vessel. The altering the stowage will put it out of trim. The Hancock was taken by altering the stowage. It destroyed the trim. Yet trimmers are unfavorably spoken of. That is, I presume, halting between two opinions. "Why halt ye between two opinions?" But preservers of the balance are not trimmers in this sense of the word.

How is it that the public can do wrong when they mean well? It is from want of knowledge; it is from the prevalence of an uninformed spirit. Passion prevails, intemperance, party spirit, which follows blindly.

CHAPTER XXII.

The annual Fair.—Continued in a series of chapters.

This was the day of the Fair, held once a year in the village. The people had come in and erected booths. The Captain went forth to look about him and make observations. What are these? said the Captain, stopping at the first stall he came to, where a number of empty boxes were exhibited.

Cases for lawyers, said the Chapman.

What will lawyers do with these? said the Captain.

Put them on their hips, said the Chapman.

That will make them look like soldiers, with cartouch boxes.

No matter for that, said the Chapman. A lawyer can no more move without cases, than a snail without a shell.

They have too many sometimes, said the Captain, as I have heard the blind lawyer say; but your cases, or cartouch boxes, I presume, are meant as a burlesque.

Not altogether so, said the Chapman, but a little bordering on it. These boxes might answer the purposes of carrying cases to the court; but an honest man might put them to a better use. So I say no more, but sell my wares to the customer.

At the next stall was Tom the Tinker, with old kettles mended, and new ones for sale.

Ay, Tom, said the Captain, this is better than resisting the laws,* even the Excise law.

I have found out a better way than resisting laws now, said the Tinker.

What is that? said the Captain.

Abolish the courts, and demolish the judges, and the laws will go of themselves.

Ah! Tom, said the Captain, leave the public functionaries to the public bodies; you have nothing to do with them.

But I should have something to do with them, said the Tinker, if I had a voice in a public body.

But you have not a voice, said the Captain.

But I may have, said the Tinker.

I would rather hear your voice in your shop, said the Captain; and the sound of your hammer on a coffee pot or a tea kettle. You can patch a brass candle-stick better than the state, yet, I take it, Tom.

Aye, said Tom, that's the way you aristocrats treat the poor man. Was it not the poor man that fought our battles, and Washington and a few more got all the credit?

It is true they fought, and fought bravely, Tom, and should have their full reward. But what is a body of men in arms, without leaders? and what could any army do without generals? Do you think, Tom, there were many in the ranks, who could take the place of Washington? or even of Wayne, or Green, or Morgan?

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*Tom the Tinker was the name of the ideal leader of the insurrection.

But, said Tom, is it not the poor men that labor, and make all the money, while the rich men get it?

And what is to hinder you from making and saving, and getting rich, in the course of time? When you labor for the rich as well as for the poor, are you not paid for it? Do not the laws equally protect you in the pursuit of wealth? Let those reap and garner that have sown, Tom, or whose fathers have done so for them. You wish to reap and garner where you have not sown, and is that right?

At the next stall was a hard-ware man. In the next a potter with his jugs. Anacharsis, according to Diogenes Laertius, invented the anchor and the potter's wheel. He was a more useful man than him that invented fire-arms; though it is a question with some, whether gunpowder has not rendered war less sanguinary.

A toyman had his stall next. As the Captain was looking at his baubles, an accident happened on the other side of the way. At a short turn, a cart had overseet. It was light, and loaded with empty kegs. Nevertheless the driver wanted help to lift it up.

The Chapman, the Toyman, the Potter, the Hardware man and Tom the Tinker, were endeavoring to assist. The Tinker and the Hardware man had set their shoulders to the cart. They hove it up; but by too violent a push threw it to the other side. The Chapman and Toyman thought to set the matter right, and in the adverse direction, applied their force, being on the other side of the cart; and to do them justice, gave a good hoist, but overdid the matter as much as was done before; for the cart came back and lay prostrate in the same direction as at first.

The driver, in the meantime, was dissatisfied. Gentlemen, said he, do you mean to assist or to ruin me? It may be sport to you; but it is a loss to me to have my cart broke and my kegs staved.

It is all wrong, said the Captain. Why not let the thing stand upon the horizontal? None of your tricks upon travellers. Let the poor man's cart have fair play, and stand upon its own bottom.

Aye, aye, said a misanthrope, this comes of bad doings. You must be going to the woods and disturbing innocent forests; cutting down young trees, making staves and hooping kegs. This is just the way they make laws, to hoop people as you would a barrel. You talk of liberty, of free government, of free country; and we see and feel only restraint and oppression, which is the same thing. Free government, indeed! As if restraint on the exercise of a man's natural rights were not the reverse of freedom. The birds of the air are free; the wild beasts are free; while man, to whom was given dominion over all by the Creator, is a slave! Away with your free government!

Ah! it is in this manner, said a moral-drawing man, that people overturn the state. If the vehicle goes to the one side, it is the act of a patriot to set it right. But unskilful persons pass the line of gravity; so that as much mischief arises from too much force as too little. Passing the line of gravitation in erecting a body, is like wounding a principle of the Constitution. All errors of expediency may be amended; but the violations of principle are vital, and terminate in death.

Put that fellow in the pulpit, and he could preach, said a bye-stander; do you hear what a sermon he makes upon a cart? He could take a text—Nebuchadnezzar, or Zerubabel—and lengthen out a discourse for a fortnight.

In the meantime, the Captain was almost carried off his feet by a crowd of people going to see the learned pig.

Has he the tongues? said Angus Sutherland, a Scotchman.

He has two, said John Gilpin, a wag.

The Hebrew and the Erse, I trow, said the Scotchman.

No; the squeel and the gruntle, I ween, said the drolling person.

That is his vernacular, said the Scotchman; but I mean his acquired languages.

I do not know that he has acquired any, said Gilpin; but he is considerably perfected in those he had before.

Weel, that is something, said Angus; but he has got a smack o' the mathematics, I suppose.

A little of algebra, said the wag; the plus and minus he understands pretty well.

The conversation was interrupted by the vociferation of a man in soliloquy, at a distance. He appeared to be in great agitation; clenching his fists, and striking them against each other. An infamous, diabolical slander, said he; I a scholar! I a learned man! it is a falsehood. See me reading! He never saw me read. I do not know a B from a bull's foot. But this is the way to injure a man in his election. They report of me that I am a scholar! It is a malicious fabrication. I can prove it false. It is a rascally electioneering lie. What a wicked world is this in which we live! I a scholar! I am a son of a female dog, if I ever opened a book in my life. O! the calumny, the malice of the report. All to destroy my election.

Were you not seen carrying books? said a neighbor.

Aye, said the distressed man; two books that a student had borrowed from a clergyman. But did I look into them? Did any man see me open the books? I will take my Bible oath I never looked into them. I am innocent of letters as the child unborn. I am as ignorant as an ass. I am an illiterate man, God be praised, and free from the sin of learning, or any wicked art, as I hope to be saved; but here a report is raised up, that I have dealings in books—that I can read. O! the wickedness of this world! Is there no protection from slander and bad report? God help me! Here I am, an honest democrat; a good citizen, who hates learning as the ruin of democracy; and yet it is reported of me, that I read books. O! the tongues of men! Who can stop reproach! I am ruined; I am undone; I shall lose my election, and the good-will of all my neighbors, and the confidence of posterity. It is a dreadful thing that all the discretion of a man cannot save him from evil-speaking and defamation.*

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*It is not long since a member of Congress, from the State of Indiana, in his place, declared his hatred to schools, colleges, and learning; and boasted of his ignorance! His name was Savage—the same who retired to the lobby to make his dinner on bread and sausages!

It is a strange contrast, thought the Captain, that we admire learning in a pig, and undervalue it in a man. The time was when learning would save a man's neck, but now it endangers it. The neck verse is reversed, that is, the effect of it. For the man that can read goes to the wall, not he that is ignorant. But such are the revolutions of opinion. I should not be surprised if men went back to tails and hoofs, as well as to the acorn.

Of all things in the world, said a speculative philosopher, I should the least expect science in a pig; though the swinish multitude are not without good moral qualities, or the semblance of these, by propensitive instinct. The herd of deer avoid or beat off the chased or wounded companion; but attack a hog in a gang, and the bristles of all are up to make battle. There is an *esprit du corps*, or a principle of self-preservation, which proves that the hogs are sensible animals. They do not wait until they are taken off, one by one, but make a common cause in the first instance. When the twenty-one deputies in the national assembly of France, were marched in a body to the guillotine, with the eloquent Verngnaud leading the way, and all singing the Marseilles Hymn, until the last head fell into the basket, there were, no doubt, a great number that saw the atrocity, but not the consequence. They were willing that the bolt should pass by themselves, and were silent. But those that followed soon felt the case to be their own, though they did not make it so at first. The hogs have more sense, or nature is more faithful than reason. A sailor on board a ship may not like his comrades; but if they are charged with mutiny wrongfully, he is interested, and will see to it if he is wise. It concerns him that they be dealt with fairly, for injustice to them leads to injustice to himself. A third mate may dislike the first, or second, or the captain himself, and have no objection to change them; but the mistake or injustice of owners towards these affects himself. If one goes at this turn, another may go at the next; until all fall to unjust accusation. If the independence and safety of command is affected, all officers suffer, and the service is injured. The picking off one at a time is politic in those that assail, but fatal to those that are assailed. Polyphemus devoured but one of the soldiers of Ulysses in a day. So that it does not follow, that hog likes hog, more than sheep likes sheep; or that bristle is champion for bristle, when he comes to take his part; but that the law of self-preservation is better understood, or felt, by this animal. But as to teaching a pig anything like human knowledge, though not a new thing, would seem to be of little use. Crows were taught to speak, in the time of Augustus Cæsar, as we find from the story of the cobler and his crows. The poet Virgil talks of cattle speaking:

> ———Pecudesque locutæ.

Says the Spanish proverb—

> "Hablo el buey, y dixo mu——"

But this was a prodigy. Learning must go somewhere, as a river that sinks in one place rises in another. If erudition is lost with men, it is well to find it with pigs. The extraordinaries are always pleasing. The intermediate grades of eloquence, from a Curran to a parrot, are not worth marking.

> A little learning is a dangerous thing:
> Drink deep, or taste not the Pierean spring

If a man cannot be a Polyglotist, he may as well be a goose. It was at a time things took this turn, that Balaam's ass spoke. There was a darkness all over Europe, for six or ten centuries, and little knowledge of the scientific kind to be found with man, fish, fowl or beast. A glare of light sprung up, and has prevailed awhile. Men of science have been in repute in monarchies, and in some republics; or at least science itself has had some quarter. But it is now scouted and run down. The mild shade of evening, the crepusculum approaches. A twilight that the weakest eye can sustain. The bats will be out now. The owl can see as well the cat. If there is less light, there is more equality of vision; which may be for the best. Let us have equality—equality; all things alike—all things equal. Then there will be no envy, no avarice, no ambition; no wealth or poverty, no strength or weakness. Then will society be perfect, and men be like the angels. The golden age shall then be come again, when men and women shall go naked sleep under trees, and feed upon acorns and roots!

That fellow could preach too, said a by-stander, and give him a text. What a speech he has made upon a shoat!

But looking up, they saw a man actually preaching, or something like it, in a tavern door, with a newspaper in his hand. It was on the subject of economies. For now all is economy. Not making, but saving. This discourse was a lecture on the subtraction of aliment, and the making water go farther by boiling it. Saving the scales of fish, and the stem beaten out of flax; curtailing wages, and doing less work; all things by the minimum; he would have all microscopes, no telescopes; minutiæ, minutiæ, minutiæ; nothing great, comprehensive or magnificent in his projects. Themistocles knew how to make a great state out of a small commonwealth. But was it by saving, or by gaining that he did it? Was the sweep of his mind contracted, or extensive? Had the Czar of Muscovy a great heart? Did he reduce mountains by particles, or employ his mind upon hen-coops? These were questions the economist answered in the affirmative. But some doubted the orthodoxy of the doctrine, and left the congregation.

In a public house was heard the music of a fiddle and a bag-pipe. It was Duncan, the quondam waiter of the Captain, who had made a match of the bag-pipe against the violin. Play up, said Duncan to the piper; now "the Coming o' the Camrons;" now "the Reels o' Bogie." Play up; I could dance amaist involuntarily, as I were bit by the tarantula.

Martin, the Latin master was of the company, and encouraged the contest, by the application of classic phrases, such as,

Et vitula tu dignus, et hic———
———Boni quoniam convenimus ambo.
Tale tuum carmen, divine poeta.———

But more noise, though perhaps less music, was heard out of doors, coming down the street. A crowd of people, boys and grown persons, were following O'Dell, the revolutionist. For Ca Ira, or the Marseilles hymn, he bawled out the following——

Down with the sessions, and down with the laws;
They put me in mind of the schoolmaster's taws.

There's nothing in nature that gives such disgust
As force and compulsion so make a man just.
Hillelu, Billelu, set me down aisy,
Hillelu, Billelu, &c.

A lawyer's a liar, old sooty his father;
He talks all day long, a mere jack-a-blather;
His books and his papers may all go to hell,
And make speeches there, sings Larry O'Dell.
Hillelu, &c.

The state is a vessel, and hooped like a tub,
And the adze of the cooper goes dub-a-dub.
But hooping and coopering is fitting for fools;
Away with all learning, and shut up the schools.
Hillelu, &c.

A horse eats the less when you cut off his tail,
And chickens hatch faster the thinner the shell;
A clerk in an office might do two things in one,
Hatch eggs while he sits, and writes all alone.
Hillelu, &c.

The song may be good as to music, said the Captain; but I do not like the sentiments, especially the concluding couplet. It seems to me, that economy has become parsimony; the opposite extreme of prodigality or extravagance. The one is odious, the other contemptible. All tax, or no tax. There is no medium. But no tax and economy, will as certainly destroy an administration, as all tax and extravagance. The meanness of starving officers, establishments, improvements, will attach disreputation to the agents. But in all things there is a tendency to extremes. The popular mind does not easily arrest itself when descending upon an inclined plane of opinion. Popular ballads are an index of the public mind. Hence we see that an antipathy to laws, lawyers and judges, is the ton at present, and also that economy is the ruling passion of the time. Yet in all things there may be an excess. For the people are not always right. Unless in the technical, or rather, limited sense of the English law, that "the king can do no wrong." Doubtless, whatever the people do is legally right; but yet not always politically or morally right. For do we not find from the voice of history, that those men are thought to have deserved best of their country, who have occasionally withstood the intemperance of opinion: Self-seekers only "are all things to all men." Three things are necessary to constitute a great man; judgment, fortitude and self-denial. It is a great thing to judge wisely. Perhaps this may be said to comprehend the whole. For judging wisely, upon a large scale, will embrace fortitude and self-denial. Hence, in the Scripture phrase, bad men are called fools. It is but cutting down the fruit tree, to hark in with the popular cry for the moment. All is gained for the present, but there is nothing for the next year. Such a man may get into a public body, but will not long retain his seat; or if he does, he loses all, in the esteem of the virtuous and the wise. But I doubt whether the people are so mad for economy. It originates with those who are conscious to themselves that they cannot please them by great actions, and therefore attempt it by small. The extreme has been of unnecessary expenditure, (and it is right that this should be vigilantly guarded against;) and it is popular to cry out economy, which the people-pleaser gets into his mouth and makes the shiboleth of just politics. But the people-pleaser is not always the friend of the people. Do we find him in war the best general who consults the ardor of his troops, wholly, and fights when they cry out for battle? Pompey yielded to such an outcry, and lost the field of Pharsalia. A journal was published in France, by Marat, under the direction, or with the assistance of Robespierre, entitled "L'Ami du peuple." There could not be a more seducing title; and yet this very journal was the foe of the people. I will not undertake to say that even Marat meant well to the people; but he had not an understanding above the public, and judgment to correct the errors of occasional opinion. He was of the multitude himself, and did not overtop them by having higher ground from whence to observe. He had not been a sage before he became a journalist. Hence he denounced the Girondists, the philosophers of the republic, Condorcet and others who had laid the foundation of the revolution. He denounced them because they suggested a confederate republic, such as Montesquieu projected and America has realized. Marat took up with the simple, the one and indivisible; the populace understood this, but not the complication, and it prevailed; but the republic went down. The one and indivisible prevailed; concentration—monarchy was the consequence and always will be.

CHAPTER XXIII.

The despot is the spectre which rises fram the marsh of licentiousness. It was the Jacobins who made the Emperor.

I NEVER had a doubt, with the Captain, but that the bulk of the Jacobins in France meant well; even Marat and Robespierre considered themselves as denouncing and trucidating only the enemies of the republic. What a delightful trait of virtue discovers itself in the behavior of Peregrine, the brother of Robespierre, and proves that he thought his brother innocent: "I am innocent, and my brother is as innocent as I am." Possibly they were both innocent. Innocent of what? Why, of meaning ill. "The time shall come, when they that kill you shall think they are doing God a service." Peregrine led the column, with his drawn sword in his hand, that entered and re-took Toulon. He threw himself into the denunciation. This ought to be a lesson to all republicans to have charity for those that differ in opinion. Tiberius, and Caius Gracchus, at Rome, meant well; Agis and Cleomenes of Sparta, the same; but they attempted a reform, well in vision and imagination, but beyond what was practicable, or expedient. Instead of improving the condition of things, their efforts only made it worse. They fell victims to the not distinguishing the times; the advanced state of society, which did not comport with the original simplicity of institutions, or no institutions.

Marat, the journalist, and Robespierre, were pushed gradually to blood, by the principle which governed them, of taking it for granted, that all who thought differently upon a subject were traitors; and that a majority of votes was the criterion of being right, instead of being only *presumptive evidence* as the lawyers say. Ah! the majority! In a monarchy, the name of the king is a tower of strength; in a republic, the majority is the magic word of power; and would to heaven it were always right! The Mountain, the bulk of the national Assembly, could not but be, in their opinion, infallible. The eternal mountain, at whose foot every one was disposed to place himself; the mountain on whose top were "thunders and lightnings, and a thick cloud;" but not a natural mountain of the earth, collecting refreshing showers, and from which descended streams. It was a mountain pregnant with subterranean fire. It bursts, and exists a volcano to this day. So much for the majority of a public body being always right; and so much for a journalist meaning well, and yet destroying the republic. It is a truth in nature, and a maxim in philosophy, that "from whence our greatest good springs, our greatest evils arise." A journalist of spirit is a desideratum in a revolution. But when the new island or continent, is thrown up from the bottom of the ocean, and the subterranean gas dissipated, why seek for a convulsion? but rather leave nature to renew herself with forest, and rivers, and perennial springs. But that activity which was useful in the first effort, is unwilling to be checked in the further employment; and under the idea of a progressing reform,* turns upon the establishment it has produced, and intending good; does harm. The men are penounced that mean as well as the journalist, and perhaps understand the game better than himself, though they differ in judgment on the move. In a revolution, every man thinks he has done all. He knows only, or chiefly, what he has done himself Hence he is intolerant of the opinions of others, because he is ignorant of the services which are a proof of patriotism, and of the interest which is a pledge of fidelity. Fresh hands, especially, are apt to overdo the matter, as I have seen at the building of a cabin in the western country. A strong man takes hold of a log, and he lifts faster than the other. From the unskilfulness and inequality of his exertions accidents happen. Prudent people do not like rash hands. States have been best built up by the wise as well as the honest.

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*"The modern progressive democracy."

There are men that we dislike, in office. All men approved Marius, says the historian Sallust, when he began to proscribe, now and then, a bad man; but they did not foresee what soon happened; that he did not stop short, but went on to proscribe the good. It is better to bear an individual mischief than a public inconvenience. 'this is a maxim of the common law. That is, it is better to endure an evil in a particular case, than to violate a general law. There ought to be constitutional ground, and a just cause to remove the obnoxious. It will not do even in Ireland, to hang a man for stealing cloth, because he is a bad weaver.

Where parties exist in a republic, that party will predominate eventually, which pursues justice. A democratic party will find its only security in this. "If these things are done in the green tree, what shall be done in the dry?" If democracy is not just, what shall we expect from the aristocracy, where the pride of purse and pride of family, raises the head, swells the port, produces the strut, and all the undervaluing which the few have for the many? Aristocracy, which claims by hereditary right, the honors and emoluments of the commonwealth? And can we expect anything better, when all power is concentrated in the hands of one, that one surrounded by sycophants and dependants, the slaves of the despot, and the tyrants of the people? Who does not dislike the presumption of the purse-proud, and the pride of connections? And it is for that reason that I wish my fellow democrats, "my brethren according to the flesh," to do right; to show their majesty, the nobility of their nature, by their discrimination and their sense of justice. For I am a democrat, if having no cousin and no funds, and only relying on my personal services, can make me one. And I believe this is a pretty good pledge for democracy in any man. Unless, indeed, he should becomes a tool to those that have cousins and funds; and this he will not do if he has self-respect. He might be made a despot; but this can only be by the people destroying the essence of liberty, by pushing it to licentiousness. The despot is a spectre, which rises chiefly from the marsh of licentiousness. It was the Jacobins made Bonaparte what he now is—Emperor of the French.

CHAPTER XXIV.

In which is related the case of the lawyer who was lynched for making long speeches.

The Captain's attention was suddenly arrested by the approach of a mob, hurrying along with a lawyer, in whose mouth they had placed a gag. The knob in his mouth was rather long, and the poor man seemed to be in pain by the extension of his jaws. He could not speak, which was a great privation, it being his daily employment, and the labor of his vocation. For the people thought he spoke too much, or at least was tedious in his speeches, and took up the time of the court and juries unnecessarily. But this was a new way of correcting amplification in an orator. It is true that things strike more than words, and the soldier in a Roman assembly, who held up the stump of his arm, lost in battle, pleaded more effectually for his brother, the accused, than all the powers of eloquence. But it is a wicked thing, and entirely a la mob, to stretch the jaws so immeasurably. But the people will have their way; when they get a thing into their heads, there is no stopping them, especially on a Fair day, such as this was. It is true the thing was illegal, and he could have his action; but they took their chance of that, and in the meantime lynch law was proclaimed, and some were glad that its sanctions were not more serious; others shook their heads, and thought that such fruits on the tree of liberty, bore a very close resemblance to those of the tree of despotism. The people do not reflect, that insecurity of one, is the insecurity of all, thought the Captain.

The fact is, the tediousness of lawyers, in their harrangues, is beyond bearing; and it is enough to drive the people to adjustment bills, and anything, to get quit of them. The opener of a cause must lead you into the whole transaction, instead of leaving it to the evidence to do it. He must give you a view of the whole scope of his cause. This might be in a few words. But he wants to make a speech, a strong impression at the first. He must tell you how he means to draw up his evidence; how to fight his men. I should not like my adversary to know this; I would not tell the court, lest he should hear it. What would we think of a general who should mount the rostrum, in the presence of the enemy, and explain the order of his battle? I love the art of managing a cause for its own sake, and I like to see it professionally won. The less speaking, almost always, the better for a cause. There is such a thing as "darkening counsel by words without knowledge." Atticism is favorable to perception in the hearer. We do not carry wheat to be ground before it is sifted of the chaff. Yet there may be an error on the other side. The declination to brevity may be too great. I am afraid to say much on this head, lest I should seem to undervalue eloquence, and check it alogether. But certain it is, that the excess is on the side of quantity, in speaking at the bar at present. The juries feel it, and twist and turn themselves into all shapes, to avoid it. The courts feel it, and on many occasions groan for deliverance. So that it is not so much a matter of wonder that it should have caused a fury among the multitude. They took the only mode they could contrive, to give vent to their displeasure. Lynching, biting, goring, kicking, burning, tearing down, are what may be called instinctive modes of manifesting great disatisfaction and rage, at least where the animal predominates over the rational nature. A kind of wild justice. Some of our best garden plants are poisonous in a state of nature. Yet even this wild justice, may be better than none at all; it may be produced by the principle of self-preservation.

In the meantime, the blind lawyer being at hand, delivering a lecture, had heard of the tribulation of his brother, the gagged lawyer; and for the honor of the profession, stretching out his hands to the people, had obtained his enlargement, and the removal of the peg. But it was said, this would be a warning to the advocate to shorten his speeches for the future. The branks which had been upon his head, that is the woodys which had tied the knob, were laid aside for another occasion.

CHAPTER XXV.

An inquest is held on a man suspected of being insane. His defence, and the verdict of the jury,

THE affair of the lawyer was just over, when the Captain's attention was attracted in another direction, where there was an assemblage holding an inquest on a man alleged to be insane. It was now the right of the accused to be heard in his defence.

THE MADMAN'S DEFENCE.

Gentlemen of the Jury—

It is an awkward situation in which you see me placed: to be obliged to maintain that I am in my right might mind, and not out of my senses. For even if I speak sense, you may attribute it to a lucid interval. It is not a difficult matter to fix an imputation on a man. It is only to follow it up, "line upon line, precept upon precept, here a little and there a little." There is nothing but a man's own life and course of conduct, that can rebut the calumny. It is therefore in vain to answer in the gazettes, or to go out into the streets and call out *falsehood*. The more pains you take to defend yourself, the more it is fixed upon you. For the bulk of mankind are on the side of the calumniator, and would rather have a thing true than false. I believe there would be no better way, than for a man to join in and slander himself, until the weight of obloquy became so great, that the public would revolt, and from believing all, believe nothing. I have known this tried with success. But how can one rebut the imputation of madness? How disprove insanity? The highest excellence of understanding and madness, like the two ends of a right line turned to a circle, are said to come together.

Nullum magnum ingenium sine mensura dementiæ.

Great wit to madness sure is near allied.

Hence you will infer that I may appear rational, and quick of perception, and even just in judgment for a time, and yet be of a deranged intellect. What can I tell you but that it is the malice of my enemies, that have devised this reproach, in order to hinder my advancement in state affairs? It is true there are some things in my habit and manner that may have given color to the charge—singularities. But a man of study and abstract thought, will have singularities. Henry Fielding's Parson Adams, and Doctor Orkborn, in Mrs. D'Arbray's Camilla, are examples of this. A man of books will be abstract, or absent in converseation; sometimes in business.

A man of books! said the foreman of the jury, a scholar! Ah! you are a scholar, are you? Ah, ha! that is enough; we want no more. If you are not a madman, you must be a knave, and that comes to the same thing. Say, gentlemen, shall we find him guilty? What say you, is he mad?

1st Juryman.—He seems to be a little cracked.

2d.—He does not appear to be right in his head.

3d.—I cannot think him in his right mind.

4th.—He is beside himself.

5th.—Crazy.

6th.—out of his reason.

7th.—Deranged.

8th.—Insane.

9th.—Mad.

10th.—Stark mad.

11th.—As mad as a March hare.

12th.—Fit for Bedlam.

Verdict—Lunacy.

The court to whom the inquisition was returned, thought it a hard case, as there was no other evidence than his own confession of being addicted to books, and gave leave to move an arrest of judgment, and ordered him before themselves for examination.

You are a man of books—

A little so.

What books have you read?

History, divinity.

What is the characteristic of history?

Fiction.

Of novels?

Truth.

Of metaphysics?*

Imagination.

Of natural philosophy?

Doubt.

What is the best lesson in moral philosphy?

To expect no gratitude.

What is the best qualification of a politician?

Honesty.

The next best?

Knowledge.

The next best?

Fortitude.

Who serves the people best?

Not always him that pleases them most.

It seems to the court, said the Chief Justice, that the man is not altogether mad. He appears rational in some of his answers. We shall advise upon it.

The madman being out upon bail, walked about seemingly disconsolate. and fell in with a philanthropic person, who endeavored to console him.

You may think yourself fortunate, said he, that the charge had not been that you were dead. You might have been tumbled into a coffin and buried, before you were aware. When a public clamor is once raised, there is no resisting it. People will have the thing to be so, lest there should be no news. For the stagnation of intelligence is equal to the want of breath. I will venture to say, that in three days I could have it believed that the soul had gone out of your body, and that you were a walking mummy. It is only to insist upon it and spread it, and a part will be credited at first, and finally the whole. Thank fortune that you are on your feet upon the earth. You are not the first that have been buried alive. On opening a coffin; the corpse has been found turned upon its face. In a tomb, it has been found out of the coffin, and lying where it had wandered, thinking to get out.

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* It has been called the science or theory of the mind. It is but in idea, and is founded in fancy or imagination. There is no end to such theories as those of Locke, Smith, Stewart, Reid. &c. Among the best of these *imaginative* writers, we may rank Gerard on genius and on taste; Burke on the sublime and beautiful. The phrenologists have placed the science on a more solid foundation; at least, they have superceded the mataphysical, and may in time be superseded by something else.

Good heavens! said the madman, this is enough to turn one's brain indeed. I begin to feel my head swimming. Is it possible that, without the least foundation, such a proposition should come to be believed?

Believed! ay; and people would be found to swear to it. You have no conception from how small beginnings great things arise.

> Ingrediturque solo, et caput inter nubilia condit.

You have seen a wood-pecker. It is astonishing how large a hole it makes with so small a beak. It is owing to successive impressions. Since common fame has begun with you, it is lucky it has taken that turn, and made you only mad.

If that is the case, said the man of books, I ought to be reconciled. It might have been worse.

There has certainly been a great deal of vain learning in the world, thought the Captain, and good natural sense has been undervalued. "Too much learning may make a man mad." It may give him a pride and vanity that unfits for the transaction of practical affairs. I would rather have a sober, sedate man of common sense, in public councils, than a visionary sciolist, just from the academies, or whose head is filled with idle dreams or theories engendered in the closet. But solid science is ornamental, as well as useful, in a government. It is of great importance in agriculture, and in the medical art. Literary acquirements may be undervalued. A man may not be a scholar himself, but he may have a son that may.

"The child that is unborn may rue"

a check given to the love of letters. The offspring of a plain farmer may be a philosopher, a lawyer, a judge. Let not the simplest man, therefore, set light by literary studies. The bulk of our youth are sufficiently disposed to indolence themselves. The rivalship of the states ought to be in their public foundations, in producing men of letters. Popular distrusts of them ought not to be promoted. The coxcomb, the maccaroni, springs up in the cities; the illiterate in the country village. Legal knowledge and political learning are the stamina of the constitution. The preservation of the constitution is the stability of the state.

Political study ought to be the great object with the generous youth of the republic; not for the sake of place or profit, but for the sake of judging right and preserving the constitution inviolate. Let his reward be the estimation and gratitude of his country.

CHAPTER XXVI.

Wherein it is explained why the school-master was not lynched for talking Latin in public.

It will naturally be asked, considering the current of prejudice against learning, why Martin, the school-master, was not lynched for publicly talking Latin. The fact is, the people did not know that it was Latin; some took it for one language, and some for another. Thus, when he accosted persons in the street, with puzzling phrases to translate, either on account of the peculiarity of the idiom, or the elipsis of the sentence, answers were given corresponding to the mistake. Thus:

Nil admirari——

I do not understand Spanish.

Simplex munditiis——

I never learned Welsh.

Ambiguoque vultu——

It is Greek to me.
Lacrimæ rerum——
I do not understand Dutch.
Mea Valentiam, si quis——
——Esse sua
I have been not among the Indians.
Parati——
Potatoes are very good.

As for the blind lawyer, humanity interposed on his behalf; There is a generosity in the human mind, that leads even the ferocious savage, to spare the unfortunate. The sovereign people, like other sovereigns, do not make war upon bats. His lectures were short, and did not cost much. The loss of money leaves a bite behind worse than the sting of the wasp. It is this that excites a prejudice against lawyers; and yet people are themselves to blame. It is their own self-love, and unwillingness to think themselves in the wrong, that leads to law. Covetousness deceives.

O, si angulus ille, mihi foret——

I must have that nook of woods that runs out there. It will make a calf pasture. Let a man put himself in the place of his adversary, before he views his own side of the question; he will then be more disposed to compromise. This is a blessed alternative. Where, as in a democracy of equals, no one is superior, or has a right to command, this is the only course to avoid open violence; the majority is nothing but power; it may be the despotism of King Numbers.

I admit that bar oratory is carried to excess, and there is too much of it occasonally; it is valued more by the quantity than the quality. But there is a great deal of excellent oratory to be found at the bar. There are stamina, though retrenchments might be made.

——Cum luculentus flueret,
Erat quod tollere posses.

The great defect is, the making many points; the cat that had but one way to escape, stood as good a chance as the fox that had a thousand. Seize the turning point of the cause, if it can be done, and canvass that. The stroke of the eye, or coup d'oeil, which characterizes the great general, is the being able to see, at once, the commanding point of the field; to abandon the outposts and concentrate his forces. Why need a man be taking time to show in how many ways he can kill a squirrel? If he can take him down with a rifle ball at once, it is enough.

Oratory has no where a finer province than at the bar. In a deliberative assembly there is no such scope. Questions of finance have nothing to do with the heart. No man can be an orator at the bar that has not a burning love of justice. For it is this gives the soul of oratory. An advocate thinking merely of the fee can be no orator. The soul must be expanded by the love of virtue.

In a deliberative assembly it is difficult to be honest. Party will not suffer it. At a bar a man may be honest. For, in a cause he is supposed to present his side of the argument, and with truth in his statements. The attempting to hold what is not tenable, is a mark of weakness. Why then a prejudice against lawyers? I exclude attorneys, that are mere money gatherers; or professional men, that screw the needy and grind the faces of the poor. Such there always will be. But nature presents nothing good without an alloy of evil. And I am also supposing that an honest lawyer will exercise a sound discrimination between a good and a bad cause; and give up the bad, at least push it no further than to see complete justice done to both parties; for it is seldom that one is altogether wrong, and the other altogether right.

As to the blind fiddler, if it should be asked why he was not accounted mad; it was because he was not denounced. There is a great deal in calling out mad dog. Besides, the insignificance of the scraper protected him in the republic. He was so busy scraping, that he never meddled with politics, and this was a great help. And as he played every tune to every one that asked, having no predilection for Langolee above Ettrick Banks, he gave no offence.

——Nunquam contra torrentem, brachia
Direxit, sic octaginta annos vidit in aula.

CHAPTER XXVII.

The western cattle driver and the city macaroni. Disturbance at the Frenchman's booth. The oppressed politician.

A cattle driver had come from the western settlements, to exchange for salt, iron, and a *wife*. The settler went out, in the first instance, with a rifle, an axe, a hoe and a knapsack. Having fixed on a spot at a spring head, the next thing was to fall saplins and construct a hut. A small piece of ground was then cleared of the under-wood, and this formed into brush fence to enclose it. He returned then to the interior of the country, and the next summer going out with a hoe and a stock of provisions, on a pack-horse, began his cultivation. Having tamed a buffalo, or got a cow from Padan Aram, he had in due time milk in abundance. This put it into his head to get a milk-maid; in other words, a wife. The traders in this article usually chose one in their own condition in life; full of health, of a cheerful disposition, whose dress answered all the ends of fashion without the affectation. The elbows were bare, because the sleeves did not reach; and the folding doors of the bosom were undrawn, because they had always been open. There was no occasion for flesh-colored pantaloons; for the pantaloons were flesh itself, discovered through the rents of the muslin by the waving of the wind, like a light cloud upon a bed of air in an April day.

When these virgins, "nothing loath," had been conducted to the bowers mantled with the natural vine, an offspring arose in a few years, such as that from whence the poets have drawn their best fictions. You will have no occasion to read Ovid's Metamorphoses, to have an image of Daphne or Proserpine, Diana and her Nymphs, the Dryads, Hamadryads, or other personages. Just cross over into these new forests, and there you have them in reality; maids bathing their snow limbs in transparent streams; climbing the mountain top, collecting flowers, or gathering the berries of the wood. Nature is here in her bloom, no decay or decrepitude. All fragrancy, health and vivacity.

The stripling of these woods is distinguished from the city beau; but it will not become me to say who has the advantage; whether the attitude of the presented rifle, or that of the segar in the teeth, is the most manly? Which looks best, the hunting-shirt open at the neck, or the roll of muslin that covers it and swells upon the chin? These are things to be canvassed by the curious. I am of opinion, however, that it is better to be clear-sighted than purblind, and to be able to see a deer in a thicket, than to have need of a glass before the nose, to direct the steps where there is nothing to stumble over!

It can be no slur upon the descendant of a western settler, that his mother was obtained in this primitive manner, with her hair descending to to her girdle, or waving in ringlets on her shoulders; and the moisture of her eye brightened with a tear at the emigration; when he considers, that in all places matrimony, to use the pun of Bishop Latimer, has been in a great degree a matter of money; and the consideration of the contract not always what the lawyers call a good consideration, that is affection.*

A noise was now heard in another quarter. It was occasioned by a brick-bat which had fallen from the heavens, or the top of a chimney; or been thrown by some one, which is just as likely, and hit the stall of an honest Frenchman, who sold hair powder, essences, pomatum, and shaving soap. He construed it an insult, and insisted upon knowing what no one could inform him of, or if they could, were not disposed to do it; that is, whence it came. Diable! diable! said he in a rage.

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* There can be no doubt of the improvement in form and feature, of those born and brought up in a healthy wooded country, of hills and valleys, with a fertile soil, like that on the Ohio river and its tributaries. Abundance of wholesome food, labor moderate, and exercise in the open air, will account for the evident physical improvements in the natives of the west.

Si j' etois d'en la France! If I vere in my own contree! Le miserable police. Dis contree has une ver bad police.

A l' enfer—Foutre, foutre, foutre. A l' enfer—go to de hell.

Parce, que je suis un jacobin. I be de jacobin. Dis is de enrage. Vill kill all de honest republican.

Ah! Messieurs aristocrats; c' est que vous voulez me tuer. C' est une terrible conspiration. It vill make ver great noise in de republique.

Civility to a foreigner, induced the multitude to interpose, and endeavor to pacify. But strangers are jealous, and it was an hour before he could be persuaded by some that spoke the language, to believe that the thing might have been a matter of accident. He had threatened to make a representation to the government, and demand the interposition of the executive.

There is reason to think he had dropped it, as we have seen no diplomatic correspondence on the subjet.

Exhibiting under a canvass tent were a company of strolling performers; some doing sleight of hand, others tumbling, and a fiddler playing, accompanied by a banjo and tambourine, and giving occasionally a comic song. By way of something original, a harlequin represented a politician, groaning and incurvated, as under the pressure of some extraordinary burden. When some one equired what was the matter, he replied that he was carrying the commonwealth on his shoulders.

I like burlesque very well, said a spectator. A man must imagine himself Atlas, forsooth, with the heavens on his shoulders! The people would walk on their feet if he would let them alone. What matters it if by attempting to sustain them he gets his rump broke?

That is all the thanks a patriot ever got, said a man who had lost his election.

Are not the people strong enough of themselves? said the spectator.

Strength of mind is improvable, said a thinking man. Hence strength of mind differs more than strength of body. The aggregate of mind is one thing, and a distinguished mind another. It is not so absurd to suppose that one mind, in a particular case, may excel another. The social compact is a noble study. He who has devoted himself to it, may be supposed to have made some progress. Why should he not have credit for his good intentions? Why make him the object of a public exhibition, because he thinks himself the support of the community? Public spirit ought to be supported, and hints well meant, well taken. It is but an innocent hypocondriasis, for a man to apprehend that he is doing good by his lucubrations. That he is a pillar of the commonwealth.

See how he grins and balances, said the spectator, speaking of the harlequin, because he thinks the people are too much to the one side.

It is an easy matter to turn even virtue into ridicule, said the thinking man. But selfishness was never an amiable quality. And can there be a nobler effort of benevolence than to seek the public good? If one individual misses it, another hits, and the principle is salutary. It is not him that sails with the wind of popular opinion that always consults the interests of the populace. At the same time, I am for keeping up the spirit of the people. It is the atmosphere of liberty. And though this atmosphere is the region of lightning, and engenders storms, yet in it we breathe and have our being But I speak of the angel that guides the hurricane: the good man of more temperate counsels; and who, from age, experience, or extent of thought, sees the consequence of things, and applies the prudence of restraint to the common mind, in the violence of its emotions.

Why shall we censure such a man, should he indulge the ambition of restraining the people; or rather of supporting them by counselling moderation? He is sometimes the best friend that reproves. A flatterer never was a friend. The caricature of a man having the people on his back, is an aristocratic fetch to discourage a love for the people, and a disposition to promote their real interest. This harlequin is set on by the enemies of the people, and with a view to disparage republican exertions. Now, unmixed and unqualified satire is worse than base and fulsome flattery.

The spectator was silent.

While the harlequin was acting the oppressed politician, a pedlar had thrown himself into nearly a similar position; and though it may appear strange, an accidental conjunction of attitude. He had got his stall on his back, and gave out that he had taken an oath, not to set it down until the people at the fair had bought off all his goods. He was on his hands and feet, and bellowing like the bull of Phalaris, affecting to be overcome with the load of his pack. The people out of humanity, credulous to his distress, came from every quarter to hear his complaint and ease him of his goods. A partner was handing out the merchandize, and disposing to the customers, as fast as he could come at the articles. The back-bent man, in the meantime, in his inclined posture, was gathering up the dollars thrown upon the ground, and putting them into his hat; not omitting the groans necessary to attract a continuance of commisseration.

Christian people, said he, ease me of my wares, or I shall have to break my back, or to break my oath.

You had better break your oath than your back, said a man passing by; I have no money to throw away upon a rogue.

A rogue! said the burthened man. If I were a rogue I could break my oath; but it is conscience keeps me here. I cannot break my oath, and my back must be broke. Help, good people, help; buy my wares and ease me of my load.

You son of a ——, said a rude man, cannot you stand up, and your pack will fall off?

Ay, but it is my oath, said the pedlar, that keeps it on, until all my goods be bought.

It ish a tam sheat, said an honest German. He ish a liar and a roke. His pack ish light als a fedder, mit shilks and such dings dat veigh noting. He is a tam sheat and a roke.

I am muckle o' your way o' thinking, said Donald Bain, the weaver. It's a stratagem to get his hands into folks' pockets, and wile awa' the penny. The deil an aith he has ta'en It is a' a forgery.

It ish a devlish condrivance, said the German.

It is all de love of monish, said a Jew. His conscience is monish.

Nevertheless credulity prevailed, and some continued to purchase.

CHAPTER XXVIII.

This chapter will be read because it is short.

The moral of the distressed politician is obvious to every one. It is natural for one to suppose that this world cannot do without us. O, what will they do when we are gone? is the language of every man's heart, in some way or other. I will venture to say, there are chimney-sweepers who think that all go to pot when they drop off. Yet the world goes on its gudgeons, and all things that are therein revolve just as before.

What will we do for a general? said one, when LaFayette went off to Gedan.

What? when Dumourier went off, said another.

He may be yet in the ranks who will terminate the revolution, replied a third.

It came nearly to pass; for the Corsican was at that time but in the low grade of what we call a subaltern.

I have reflected with myself whence it is that men of slow minds and moderate capacities, and with less zeal and perhaps less principle, execute offices and sustain functions with less exception than others of more vigor and exertion; and I find it owing to a single secret— laissez nous faire—that is, let subordinates do a great deal on their own responsibility. "He is right;" it is well; and if it is wrong, self-love saves the error. Men had rather be suffered to be wrong, than to be set right against their wills. What errors of stupidity have I seen in life, in the small compass of my experience, and the sphere of my information? and these errors the object of indulgence, because there was nothing said or done to wound the pride of the employer. This is a lesson to human pride and vanity. It is a lesson of prudence to overweening self-confideuce. The sun lets every planet take its course; and so did General Washington. That was the happy faculty that made him popular. The fort of this truly great man was, in some degree, the laissez faire, the not interfering too much.

Yet the lovers of an art may be excused in being hurt when they see the artist err. The lovers of the public may deserve praise, who wish to set the world right and do a little towards it. It is the error of vigorous and generous minds, to say the least of it, and oftentimes the excess of virtue.

Sometimes it is an instinctive impulse of public spirit, that cannot be resisted. Alcibiades was superseded in the command of the Athenian army, but remaining in the neighborhood, could not avoid pointing out to the generals who succeeded him and who were his enemies, the errors they were about to commit; and which advice neglecting, they were overthrown with their forces, by the Lacedemonians under the conduct of Lysander, and disgraced. Moreau, though superseded by the directory, and serving only as a volunteer, stepped forward to an unauthorized command, and saved the army on the defeat and death of Joubert.

The critic will say, what can there be in such representations? We do not write altogether for grave or even grown men; our book is not for a day only. We mean it for the coming generation, as well as the present; and intending solid observations, we interlard pleasantry to make the boys read.

CHAPTER XXIX.

The close of the Fair. The Captain meets with Oconama. A ludicrous mistake from the name.

As the Captain was going carelessly through the Fair, he saw a tall thin man, of a lean visage and sallow complexion, talking at a stall with a chapman. He had under his arm a piece of new, or, as it is called, green linen. In fact he was a weaver, and had linen cloth, as he called it, to sell. For he was what we call a Scotch-Irishman, and of the name of Oconama, which is not a Scotch-Irish name, but an aboriginal patronymic; nevertheless it came to be his name, perhaps by the mother's side.

He had on what we call a spencer, that is, a coat with the tail docked; though some have this kind of garb made so in the first instance; that is, juste au corps, or jacket to go over the coat, instead of being under it; so that it seems to be but half a coat.

Now Oconama is prenounced with the final vowel soft; and hearing it so pronounced, the Captain took it to be Economy; especially as he saw that the dress corresponded with the designation; and the small scratch wig on his head but half covered his brown hair, which was seen underneath, supplying the defect of covering by the caul, which was of a suspicious brown color, and had but a few straggling hairs on the top of it, which was otherwise as bald as the pate of a Capuchin.

Mr. Economy, said the Captain, for such I see you are, and I might have known you, even if I had not heard your name, I am right glad to have fallen in with you; having often heard of you, and wishing to see you and to be acquainted. There was said to be great want of you, a few years ago, under the presidency of John Adams, who though a good man, yet it has been understood, did not sufficiently consult you. I am glad to hear that you are in request with President Jefferson; tho' it may be, as some say, that he consults you too much, and that you carry things too far

Adams! said Oconama; I was not in the country when Adams was President.

The more the pity, said the Captain; there was great want of you. You were much called for. There is a want of economy, said one. There is no economy, said another. But I am happy that you are now here. Great things were expected from you, and great things you have done. But there are good men who think, to use their own phrase, that we are economizing overmuch, and that by the weight of your reputation you have misled our councils, in some particulars. A judiciary law was said to be repealed on the principle of economy. The constitutionality of the repeal has been questioned, much more the expediency. The suitors are obliged to come from the most remote parts of a state to some one place where the circuit court is held, which under that law was brought, if not to their own doors, yet at least nearer home. The constitution must be amended as to the jurisdiction of the Federal courts, or a like law must be re-established. The army has been reduced on the principle of economy; the marine also. Our armed vessels have been sold off, and turned into merchantmen. Hence a petit guerre with the Bashaw of Tripoli, for several years, whom we could have put down and burnt up like a wap's nest, if we had kept our ships and men together. But I will not say that there was not good reason at the time, to justify the retrenchment, I mean appearances were such as to justify it. It is easy to judge after the event, and though I think the thing was wrong, yet I do not arraign the motive. The public mind leaned so strongly to retrenchments, and called for it so loudly, that it was not easy to resist it.*

But the spirit of economy is said to have invaded the legislative part of the administration, and to be about to fall upon the executive itself, in the reducion of salaries; and not the administration of the general government only, but of the states, confederate and subordinate. For imitation is the faculty of man; and we imitate those whom we respect. Hence it is that we everywhere hear of economy. An old woman cannot set a hen to hatch but on the principle of economy. It is a check to all improvement in any system. Now query, Mr. Economy, whether this may not be carrying things too far? I know well that fault will be found with all measures. For all systems have their drawbacks. This world that we inhabit has its physical and moral evil, though the work of infinite wisdom. What perfection, then, can we expect from man? But it is well to weigh, and to know whether what is attempted, comes as near as may be expedient. This is all I have in view. You have been praised, and you are blamed; and so it has been with all men, in all ages, who have endeavored to serve the public. Their integrity and their exertions have not been sufficient to secure them against obloquy.

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* The author, although a friend to the administration of Jefferson, differed from him on the policy of retrenching the army and navy, and repealing the judiciary, in consequence of the popular cry of economy. This had been one of the means of turning out the former administration; and the new, when in power, for the sake of consistency, was obliged to practise on, however reluctantly. It became parsimony when carried to the opposite extreme.

Romulus et liber Pater, et cum Castore Pollux,
Post ingentia facta, Deorum in templa recepti,
Dum terras hominumque colunt genus, aspera bella
Componunt, agros assignant, oppida condunt;
Ploravere suis non respondere favorem
Speratum meritis.——— ———*

The weaver, at this rhapsody, especially the last part, the Latin sentence, stood amazed, with his eyes staring and his mouth open. He took him for the madman of whom he had heard, and who had been said to have been tried that day, and, on the principle of self-preservation, if not of economy, began to recede and to ensconce himself behind the pedlar, who accosting the Captain, took upon him to explain.

It must be a mistake of the person, said the chapman, this is not the man you take him to be.

Who is he then? said the Captain. It is not Gallatin; † for Gallatin does not wear a wig, as I have understood, but his own hair; and Madison ‡ is a small man.

It is neither Gallatin nor Madison, said the pedlar, but an acquaintance of mine from the county of Wicklow, in Ireland.

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* Of this Smart's translation is as follows:

"Romulus and Father Bacchus, and Castor and Pollux, after great achievements, received into the temple of the gods, while they were improving the world and human nature, composing fierce dissensions, settling property, building cities; lamented that the esteem they might have expected, was not paid in proportion to their merits."

† Secretary of the Treasury. ‡ Secretary of State.

He has been in this country about two months, and has never seen Jefferson, or given him advice to do good or harm.

I ask his pardon, said the Captain. Calling him Economy, I took it to be him that is said to be at the seat of government, helping on with retrenchments and expenditures. His garb corresponded with his designation, as he seemed to cut his coat according to his cloth; and had curtailed the dimensions of his periwig, substituting a little of his own hair, or rather, letting it grow, to make amends for the want of caul, which, bald as it is, comes but half way down his occiput and leaves his neck bare.

CHAPTER XXX.

Containing reflections.

It would be gratifying to myself, and it might be of use to others, to give some notes of political history in this state. Those just grown up, or lately come amongst us from abroad, would better understand why it is that democracy has been occasionally the order of the day, and again put down. It has always had numbers on its side, and yet it has not always possessed the administration. I use the term democracy as contradistinguished from the aristocracy; that is, a union of men of wealth and influence.

In the state constitution of 1776, the democracy prevailed in carrying a single legislature; but this laid the foundation of their overthrow; because experience proved that it was wrong. "Wisdom is justified of all her children."

The constitution of 1776 gave way to that of 1790, and the aristocracy obtained the ascendancy; or rather having obtained it, they brought about a convention, and carried the constitution of 1790, which is the present. But connecting themselves with the errors of the administration of the federal government, in 1797, 1798, they lost the state administration, and the democracy prevailed. Five years has it retained the administration, and will an interminable time, provided that wise measures are pursued and justice done; but no longer.

This I am not addressing to the legislature or executive power of the government, but to the people. It is for them my book is intended. Not for the representatives of a year or four years, but for themselves. It is Tom, Dick and Harry, in the woods, that I want to read my book. I do not care though the delegated authorities never see it. I will not say it is to their masters that I write, for I reprobate the phrase I have no idea of masters or servants in a republic. But it is to their constituents that I consider myself as applying the observations that I make. I wish the democracy supported, which can be done only on the basis of wisdom, which contains in it truth and justice.

Error is always weakness. Integrity cannot save error It can only reduce it from misdemeanor to frailty. In what is the democracy likely to err? How do men err when they run from one extreme to another? There may be an extreme in economy as well as in expenditure. The economists are a good description of persons; but they are not always the illuminati. There is such a thing as economy over-much. A man of spirit and enterprise in his private affairs, will be sensible that it is no economy to stint his laborers of wages, or to higgle in his bargains. More depends upon judgment, and expansion of mind in his plans, than in niggardliness in his contracts. Laying out well, brings in and improves his plantation. The same observation applies to public improvements. The federal government, in the opinion of some, taxed too much or injudiciously. We will not tax at all. Rather than tax, we will bend our minds to reduce offices and salaries; at a time, too, when the purchase of commodities proves to us that the value of money is reduced, and the price of living advanced one half. The jurisdiction of the justices of the peace proves this; for it must have been a good deal on this ground, that it has been increased from fifty, or thereabouts, to one hundred dollars. But it is not merely the reduction of offices and salaries that is the evil, but the wounding a principle of the constitution; or straining a principle to get quit of these. For it cannot be dissembled, that it is broached in many places, to overthrow the whole judiciary establishment, and put men upon the bench that will take the honor of it for the compensation. This might look well at the first glance; but it would ultimately destroy the democracy by which it was accomplished. But suppose nothing of this in contemplation or attempted; who are they that oppose an amelioration of the judicial system, competent to an administration of justice, by an increase of the districts or the judges? The economists. Though it can de demonstrated that a pound is lost to the community where a penny is saved. But it does not come by direct tax, but by insensible filching, in the way of the expenses of attending courts.

But the justice of the thing is more; the dispatch of trial and decison. The delay of justice is the denial of justice. The object was attained under Alfred the Great, by the division of the people into tens, hundreds, and thousands. Our divisions into counties, townships, boroughs, towns, and cities, have the same object in view. In our republic, these are the schools where the people learn *self-government* practically. It would be for the credit of the democratic administration to have just ideas on this head. There are amongst them who have; but it is not universal. The fact is, that it will not always be borne, and their adversaries will triumph.

CHAPTER XXXI.

Conversation between Captain Farrago and the Principal of the Academy, on the subject of education. Suddenly broken off by a casualty.

By way of variety, we shall here relate a conversation between Captain Farrago and the principal of the Academy, or, as it was called, the College. It was on the subject of education; not education generally, but particular points of academic instruction.

I do not like, said the Captain, the enjoining, or imposing, to use a stronger term, tasks of original composition. It is well to instruct in grammar, and the elements of writing, so far as respects arrangement, perspicuity, and the choice of proper words; and in this I have but one rule, which is to think first, and endeavor to have a clear idea, and then to put it down in such expression as to be best understood. The definition of style given by Swift cannot be surpassed; "proper words in proper places." And for this purpose translation is the best exercise. It is absurd to require of youth thoughts before they have any, or at least, correct thoughts. Help me out with my description, assist me with my theme, says one. What shall I do for an oration? says another. Is it ever a complaint in common life, that men want tongues? Are you obliged to urge them write in newspapers? The difficulty is to keep them from it. They will be talking and scribbling, before they know what to say or to write. But we begin our system of errors at the very schools. The student must compose. It is true we have improved upon the system of the last century, in this particular; and do not now insist upon it that it shall be in verse. It is sufficient that it be in prose. I mean, that making Latin hexameters, or English hendecasyllables, are not now a task. But it still remains that boys must write. And yet the poet which you put into their hands says—

> Recte scribendi, sapere principium est, et fons.
> Good sense is the foundation of good writing.

I do not much like your declaiming in colleges, though doubtless the ancients had this practice.

> ——Ut inter discipulos plores, et declamatio fias.

But is this arbitrary speaking calculated for any other purpose but to make a pedant? You must stretch out your hand at this; you must draw up your leg at that. Here you must say ah! there, oh! It is the feeling of the heart only that gives attitudes. it is passion only that can swell out the breast, or agitate the members. I have seen an old woman angry, or moved with grief, play the orator very naturally. The emotions of her spirit distends the arm and stretches out the muscles. She clenches her fist at the proper period, and lays her emphases upon the proper words. She says oh! or ah! in its proper place, without being taught it by rule or pedagogue. Passion blows a man up like bladder. He grows as big as himself. His hair rises on his head and his breast heaves. Will rules give a man passion? Will a man that feels stand in need of rules?

I perceive, Captain, said the Principal, that you are no slouch at supporting a paradox. Polybius tells us, that the Romans exercised themselves on shore, learning to keep stroke and to feather their oars, while their gallies were building, to encounter the Carthagenians in the first Punic war. Can it be of no use to stretch the joints a little, even without passion? Or cannot passion be called up by the exertion of the speaker, even in a feigned case? It is something to accustom youth to stand up and face an audience. At all events, it is an amusement, and it can do no harm to the boys to spout a little. At the same time, it is no proof of eminence in real speaking that the youth spouts well. For that, as you say, must come from sentiment and feeling. But there is something in the habit of declaiming, at least to assist the voice and gesture. Every faculty that we possess requires exercise. No one can be perfect at once, but by the want of use a faculty may be absolutely lost. There must be a beginning; if the youth should never try to write, he would never learn to write at all. You might as well expect him to learn to swim, by looking at or thinking about swimming. But I have always thought it preposterous in our Young Ladies' Academies, to put little misses forward to speak. I have thought it an indelicacy to suffer them to declaim. It is unnatural; for what occasion can they have to harrangue?

I am of the same opinion, said the Captain, I could never approve in a family, to see a little miss called up by a silly mother, or a weak father, to hold out her hand and speak a passage which the blockhead of a teacher had instructed her to commit to memory. It is indelicate and out of nature. To what assists the memory I have no objection. But for this purpose there are sentences in the Scriptures, in the Proverbs of Solomon, especially; in the Gospels and the writings of St. Paul. In Shakespeare are fine thoughts, drawn from human nature; moral observations, consolatory or instructive. Let them be got by memory, because recollected, they will guide, conduct, or embellish conversation. These would be a good substitute for catechisms, containing points of faith which the young mind cannot comprehend, and the divines dispute about themselves. Catechisms might be laid up for grown persons. The fact is, the early catechumeni were all grown persons. It was not until the time of John Knox, that they began to teach children the dogmata of the scholastic theology. The Jews had it in command from Moses, to teach their children sentences, or precepts of the law. They were taught to bind them on their arms, or about their necks, in slips of writing, which they called phylacteries. But do we hear of teaching them the Talmud of Jonathan, or the Targum of Ben Onkelos? The commentaries of Rabbi David, or Eben Ezra the Jew, never superseded amongst them the precepts of the decalogue.

I had no idea, Captain, said the principal, that you had so much knowledge of the Pentateuch.

A little only, said the Captain. But I go on to observe that in Turkey, they commit to memory only the moral lessons of the Koran; or of the Misnud of Persia. The Vedam of India is a book chiefly for the Priests; and so with us ought to be the greater part of the confessions. At least mature years, only can digest them.

But these dogmata, planted in the memory, grow up to fruit in the understanding afterwards, said the Principal.

That is, said the Captain, commit to memory now, what you will understand afterwards. I would have memory and understanding go together, and in my opinion, the true method of remembering a thing well, is to understand it well. There is no doubt, however, that memory may be strengthened by exercise, and some things, like swimming, are never forgotten. The mind often continues at work imperceptibly to ourselves, and an improvement is seen after the lapse of years, on subjects which we thought dismissed from our occupations. But this leads me to say a word on memory, as you *divines* say when you preach. For you talk of saying but a word, when before you are done, you make a sermon out of it. Memory is a thing improvable, and ought to be improved; I do not therefore approve of this thing of taking notes. You read your lectures, and the student must take notes. It spoils his hand; for trying to keep up with you, he writes fast, and runs into scratches like short-hand, or the Coptic alphabet. Sometimes the student copies the lectures, to a great waste of time, and unnecessarily; for learned professors thought they had done a great deal in getting them out of manuscript into print; and now the labor is to get them out of print into manuscript again. But the principal disadvantage is the neglect of the memory. And when a man gets a thing in his book, he neglects to put it into his head. Let the thing rest in the brain if possible. Pedagogues that teach the first elements of Arithmetic will instruct the youth to work their sums, as they call it, on their slates; and afterwards put down the figures in their books. This is to take home to show to their parents that they may seem to be doing something, and the master get a good name. But it is a loss of time and paper. The same pedantry is carried up into higher institutions; and the classes copy lectures, to make themselves or others believe that they have been doing something—

Just at this instant a gun went off, and thinking somebody might have been shot, they broke off the conversation.

CHAPTER XXXII.

The Captain sends Teague out of the way on the approach of the election. Encounters a worse danger.

At the approach of the election, the Captain deemed it expedient to send Teague away on some commission, with directions to wait for him at a place appointed. Having discharged his duty as a voter, he soon overtook the bog-trotter.

But whether owing to themselves, or to the times, the office of a judge happening to be extremely obnoxious, there was danger of their being taken for some of them in their rambles; and therefore it became necessary to be on their guard, more especially on account of the bog-trotter, so as not to go near an assembling of people.

With all his caution and circumspection, keeping the bog-trotter in the middle of the road, and warning him against what might happen; nevertheless, going too near a place where a poll was holden, the unfortunate scavenger, as I may call him, was recognized by some present as having been upon the bench. The rumor soon went out, that one of the ci-devant judges was making his escape, and the populace were called upon to apprehend the fugitive. Teague, denial being in his way of thinking, a main point in the law, even had it been the case, was ready to swear by the holy poker, and the fathers, and every oath that could be put to him, and with great truth, that he had never been upon a bench in his life, nor had been in the capacity of a judge or justice since the day he came into the country.

Your brogue betrays you, said one of the number; I saw you on the bench, and deliver a charge to the jury.

By the bye, he was mistaken, for it was a Scotch judge that had given the charge; but he mistook one brogue for the other. But the man was believed, and the bog-trotter stood convicted.

Yes, said the people, he has the very physiognomy of a judge; you may see it in his face. Hang him at once, and be done with his judge-ship.

A rope-maker brought a new cord, with which never man had been hung, and throwing it over the limb of a tree, was about to attach the other end to the neck, when the sudden squeal of a pig that some one had hit with a stick, drew off the eyes of the multitude, and the attention of the man that held the halter; and the bog-trotter, seeing an opening, made a sudden spring and escaped from the crowd. He was pursued but a little way, no one choosing to tire himself, not understanding that any reward had been proffered by the government for the taking up a judge.

The Captain seeing Teague clear, and running now almost out of sight, began to expostulate with the multitude, and upbraid them for this violence.

Do you call in question the sovereignty of the people, and their right to hang their own officers? said one of the crowd.

But are you the people? said the Captain. A few mad-caps get together, and call themselves the people; and talk of the majesty of the people. You do not appear to be a very discerning people, to take my bog-trotter for a judge; nor can your majesty be deemed very gracious and merciful, that would hang him up not giving him time to say his prayers, or to have the conversation of a clergyman. Had he been a spy come into your camp, in time of war, on the eve of an engagement, you could not have shown signs of greater dispatch in taking away life, than in this instance. Those who call themselves "the people," are not always the people; perhaps not even a part of the people. And are not the laws sovereign over the people?

Captain, said a man that knew him, do not think so hard of these young men; they had no intention of hanging him outright.

But even half-hanging, said the Captain, is no pleasant sport to him that is the subject of it.

With that turning round his horse, he left the ground, and returned to the village, reflecting with himself on the danger of wandering far from the place of his abode, or at least venturing where he was not known; lest he might he taken for a judge also, and brought to a hasty end by the limb of a tree, as was near being the case with his unfortunate bog-trotter, a short time ago, in the place he had just quitted, and which he never wished to see again.

CHAPTER XXXIII.

Farrago pays a visit to the blind lawyer. Of reform, universal suffrage, ambition. It is pleasant in a free country to lie on one's back and whistle.

HAVING composed himself at home some time, the Captain took an opportunity, at a leisure hour, to pay a visit to the blind lawyer, and entering into conversation ventured to put the question—Whence the rage against the judges? Had it always been the case, or was it a late matter that had broken out? Did it depend upon moral causes, or was it a matter of accident, unaccountable by man?

There is in the human mind, at all times, said the blind lawyer, a disposition to throw off shackles, and revert to the natural simplicity of the early ages; not that we relish, even in imagination, the oak and the acorn; but we pass over these which were the food and the covering of the primitive inhabitants, and we think only of their liberty. There is a tendency in all things, which have been the subjects of cultivation, to go back to their wild nature. How delightful is it to lie on one's back and whistle, having no care and no laws to trouble us! Down with the lawyers, has been the language of the human heart ever since the first institution of society. It breaks out into action sometimes, as the history of Jack Cade informs us. A spirit of reform is unquestionably a salutary temper of the times; because there is, at all times, need of reformation. This is the angel that descends into the pool and troubles the waters, so that he who steppeth in afterwards is made whole. But troubling does not mean muddying the waters, but giving them motion, and exciting a current. It is by the spirit of the atmosphere, the wind, that the waters of the ocean are preserved salutary, by being kept in motion like the living water of the running stream. But from the same cause the tempest and hurricane. The spirit of reform is terrible in its excess. It is a matter of great judgment to stay it at a proper point.

Is not the right of universal suffrage, said the Captain, a great cause of this excess in our councils; persons young in the world, in the country, or such as have but little property, put upon the same footing with those that have a greater stake in the preservation of the laws, and in the stability of the government?

It is extremely difficult, if not altogether impossible, said the blind lawyer, to adjust this matter to general satisfaction, and at the same time, general safety. With regard to age, it cannot well be carried later than the age which gives the ownership and disposition of real estate; and as to qualification of property, it has been found impracticable to carry it into effect. For how can the value of estate, clear of all drawbacks, which a man possesses, be ascertained? It seems inhospitable to hold the emigrant to a quarantine, and postpone the exercise of suffrage to a distant day; and yet it is natural for an individual whom we admit to become a co-tenant of our habitation, to think that he can serve us and himself also, by some alterations in the structure and compartments of the cabin. The German, inhabiting a cold country, naturally thinks of accommodation to the winter; the Briton also anticipates the heat very little. Neither of these are aware of the particular winds that blow, or of the rains, at certain periods, that usually descend, or of the diseases of the climate. The older resident ought to be consulted, and his notion of things not too lightly undervalued. The idea of reform delights the imagination. Hence reformers are prone to reform too much. There is blue and a better blue; but in making the better blue, a small error in the proportion of the drug or alkali, will turn black. A great enemy to a judicious reform, is a distrust of those skilled in the subject of the reform; and yet there is ground of distrust, where those skilled in the subject, have any possible interest in the reform itself. One would suppose that an old lawyer out of practice, one who had been a judge, and no longer on the bench, might be trusted in all questions of amendments of the judicial system. But the legislative body is the organ of amendments; and it is natural for one branch to endeavor to absorb the independence of another, or to be suspected of it. Hence jealousy and distrust, which an enlightened policy can alone dissipate.

But the present idea of reform seems to be to pull down altogether, said the Captain. I do not know that you will see "down with the judges," written upon fence rails, or scored on tavern windows; but it is very common language among the more uninformed of the community. The danger is, that it may be mistaken for the voice of the people, and under that idea influence the constituted authorities.

That would be an error, said the blind lawyer. For it does not follow, because a thing seems to have advocates, that it is the voice of the people. The noisy are heard, but the dissentients are silent. Hence it is that those who hold the administration for the time being, are not always aware of the real inclination of the public mind. It is at the moment they seem to have the greatest sway, that an under-current begins to set. The truth and justice of the case, therefore, is the great guide; not what may appear to be the popular opinion.

There would seem to be good sense in what you say, said the Captain; and for a blind man, you seem to have a tolerable insight into things. But how shall the truth and justice of the case be known in a government?

It is not an easy matter, said the blind lawyer, or, as in the present conversation, I rather ought to call him, the blind politician. For there are fanatics, and there are designing men. The fanatic is an honest creature, that thinks he is doing God's service, when at the same time he is undermining the pillars of the constitution. The designing man sails with whatever he finds to be the current; or rather than let the pool stagnate, he will excite a current. In order to be something in government, a man must do something. There is little to be got by doing good, for all feel the benefit, but no one inquires into the cause. It is by disorganization that reputation is most easily acquired. The introducing a new law, or pulling down an old magistrate, says Machiavel, are the means by which a young person may distinguish himself in a commonwealth. Indeed, even an old person will find his account in showing game. If he cannot show a panther, he must show a hind, and raise the tally-ho.

I do not know whether you call a judge a hind or a panther, said the Captain; but that seems to be the game at present, every one must have a whit at a judge. No festival can be celebrated with suitable patriotism, without a dash at the judiciary.

There is danger, said the politician, of running down a branch of the government. It is a delicate point to restrain and not to overthrow. Wrong or excess terminates in the loss of liberty.

Individual injury may be done, said the Captain; but the constitution is a barrier to usurpation of the one or the many; for there may by such a thing as king NUMBERS, as well as king number ONE.

Our constitutions are yet green, said the politician. Inflexions are easy. Construction is one half of the constitution; and that varies with the men in power. A witch at a mast head is not more dangerous than the spirit of ambition. A branch of the government is no more than a bramble bush before it. A philosopher is at a loss to know whether to laugh or shed tears, when he hears invectives against the immediate usurpers of a government, when the thing had its foundation in the errors of the people a long time before. It is like laying the death of a man upon death itself, instead of the primary causes which had sown the seeds of his disease. The ambition of individuals out of doors, and afterwards within doors, to carry particular points, without looking to the the consequences, or overlooking them for the sake of the immediate object, is the invisible gas or poison, that with a slow or rapid process, ultimately produces fever, and brings on dissolution. Self-denial is the great virtue of a republic. It is the opposite of ambition. Self-denial looks only at justice. It looks at the public good. Self-denial may not be accompanied with information; but it is ready to receive information. It is not always an apt, but it is at least a willing scholar. But inordinate self-love begets obstinacy in the weak mind, and ambition in the strong; both destructive of happiness, political or personal

I hear a sound, said the Coptain, like that of may tongues; and I see a man running, whose strides are like those of the bog-trotter.

It was a tumult in the village occasioned by the bog-trotter; though he could not be the cause of it. Talk much about a thing, and you will put it into the people's heads. The fact was, that in a meeting of the citizens, it had been proposed a second time, to make Teague a judge.

Make him a devil, said a rash man, getting angry.

A devil let it be then, said the populace; and while one went to get horns, and another hair to make a tail, the bog-trotter was left standing in the midst. But he did not stand long; for understanding what was about to be done with him, he slipped cable, and shot ahead a hundred yards before the people were under way to retake him.

His object was to reach the Captain and the blind lawyer, whom he saw conversing at a distance: but he was under the necessity of making some doubles, to elude his pursuers. At length, however, reaching the Scean gate, more fortunate than Hector, he threw himself under the protection of the Captain; who being made acquainted with the cause of this uproar, was beginning to expostulate with the rioters.

Captain, said they, is it reasonable that the people should be checked in every thing they do? Was it not enough for you to throw cold water upon making him a judge, or the editor of a Telegraph, but you must also obstruct his advancement to the office of a devil?

Finding the people warm, the Captain thought it prudent to lay the blame a little on the bog-trotter in the first instance.

Teague, said he, this is the first promotion to which I have ever known you to have the least objection. Is it a false pride, or a false delicacy that induces you to decline the appointment? Were it not more advisable for you to accept your credentials, the tail and horns, than, through affected modesty, to decline the commission, or at least carry the matter so far, as to be a fugitive from the honor?

In a free government, said the blind lawyer, a man cannot be said to have dominium directum, or an absolute property in his own faculties. You owe yourself to the commonwealth. If the people have discovered in what capacity you can best serve them, it behooves you to submit and accept the trust.

The bog-trotter, on the other hand, though he he could not yet speak from fast running, was averse from the proposition; not only on account of the unbecoming appearance of the badge of the office, but lest, if made a devil in appearance, he should be taken for one in reality. He might be claimed by Lucifer, perhaps, and ordered upon duty, not having a liking to the service, whether it might be to tempt good people, or afflict the bad.

The fact is, he was taken by surprise; and even when he got his breath, he stood gaping, at a loss what to say. It appeared to him an unintelligible matter, how he could be of any use to the community, in the capacity of a devil; or how tails and horns should change the endowments of his mind, though it did the appearance of his body. Hinting this, as well as he could in broken sentences, he was answered by the populace, that he had made no objection of that kind when he had been made a judge, or acted in that capacity; or when it was proposed to put him at the head of a paper; that in fact it was a new thing from any candidate, unless, indeed, under an affectation of modesty, to allege want of parts, or an inadaptation to a place of profit or of power.

But perhaps it is the first time, said the lawyer, that it has been proposed to diabolize a man. Even of offices that are known to the constitution, there are some, which men of liberal education would wish to decline; though, by the bye, it is not good policy to decline an office because of the subordinate nature of it; for submission to the will of the people, in this respect, may be the means of obtaining their suffrages at another time, to a more important station; wherefore I would recommend it to the young man to turn devil, since it is the public voice.

It will require no great change of mind, said the Captain, to qualify him. The metamorphose need only be of his body. His parts otherwise may stand as they are. But I would ask, is it not a superfluous alteration in the economy of the world? Is not the devil that is already made, competent to all necessary purposes?

It is true, said the lawyer, we have it in all indictments, "moved by the instigation of the devil." And there is no complaint of the want of a devil to instigate indictments.

Were that the case, said the Captain, I should be unwilling to withhold assistance even to do mischief, when the community required it. But all matters appear to me to be going on pretty well towards confusion in this village. And why increase the number of devils, I do not well comprehend.

Cui bono? said the lawyer, for whose benefit? Why carry coals to New Castle, or timber to the wood?

It appeared to the more reasonable that there was good reason in this, and it was agreed to postpone the making of a devil at that time.

But it will not be understood that even the bulk of the people really conceived that it was in their power to constitute a devil with the qualities of one. They had no idea of turning devil-makers, to that extent of the composition. They had sense enough to know, that all they could do, was to give the form and appearance of one. For, however men of superior standing in society may be disposed to undervalue the common people, and to reckon them fools, there are as many knaves amongst them as fools, and perhaps more, upon a nice scrutiny. These rogues, who were at the bottom of the business, meant no more than their amusement with the public, and a little mirth at the expense of the Captain. Nevertheless, the matter had been carried so far, that had not the Captain and the blind lawyer assisted with their address, and parried the proposition of devil-making, by an indirect argument, the inutility of it, the matter must have gone on, and a devil, in some sense of the word, must have been made. For it may easily be conceived, what a flame it would have raised to have stood forward boldly, alleging that the idea of making a devil was a wicked conception, and had its origin in a design to overthrow the government; that it was a diabolical attempt, and they must be worse than devils into whose heads it had come. Nor would it have mended the matter much, to have told them that they were themselves devils, or at least do the work of devils, in hostility to churches and schools of learning. For as by the application of mechanical powers we gain a force above the direct strength of a man, so by that mode of speech and reasoning which flatters self love and hides the application that is intended. Men deserve great credit, who by skill and science have lessened labor; who by the invention of useful tools have rendered the life of man more comfortable upon this globe. But they deserve not less praise, who by study and reflection have rendered themselves capable of managing the minds of men. This is the art of oratory, which consists not in length of speech, or melody of voice, or beauty of diction; but in wise thoughts; and here our orators from the schools fail. Men of business learn to take things by the right handle, and to speak with a single view to persuade. You might as well expect good liquors without fermentation, as a man of real sense without experience in life. Doubtless, all experience will not of itself suffice. There must be a substratum or layer of judgment to begin with, in order to make a man of sense. Under a despotism, or the military subordination of an army or navy, there is a simple mode of proceeding—the bayonet or the cat-o'-nine-tails. But in a democracy, where every man is a sovereign, persuasion, compromise, and even address, are to be resorted to in preference to force, which should be the last and reluctant resource. Some may ask me of what use it is to have recorded these freaks of the towns-people. It is not pretended that it is of any, farther than to keep my fingers going. But is not that something to a man's self? There is a pleasure in writing, which only the man who writes knows. Yet I believe no man would write unless he expected somebody to read. His own reading would be small, if he did not expect to have it found out that he had read. Thus self-love is, in a great degree, the spring of all things. Is it nothing to be able to show how easily I can elevate small matters? That is the very reason why I assume this biography. Any one can write the campaign of a great prince, because the subject sustains the narrative. But it is greater praise to give a value to the rambles of private persons, or the dissension of a borough town. One advantage is, that these transactions being in a narrow compass the truth can be reached with more certainty, the want of which is a drawback upon the histories of a greater compass, most of them being little better than the romance of the middle ages, or the modern novel.

Having premised thus much we go on to a fact that took place the following Sunday.

CHAPTER XXXIV.

The project of making a devil of O'Regan comes to the ears of the clergyman. Alarming incident. Teague takes to flight. The blind lawyer visits the Captain.

The rumor of the design to make a devil of Teague soon reached the clergyman, who thought he had enough with the one already on his hands, therefore, if not on the ground of fear, at least on that of sinfulness, highly disapproved of the measure, and resolved to make it the subject of his next discourse from the pulpit.* The text fixed upon was from the Book of Job: "And Satan also came among them."

It so happened that just as he gave it out, who should appear but the bog-trotter, at the west end of the church. It was an unusual thing for O'Regan to be seen at this place; but on this occasion it had been enjoined on him by the Captain, to see what reform it might produce on his life and conversation. It was unfortunate that the clergyman, in pronouncing the words of the text, cast his eye towards the door which Teague was about to enter; which immediately drew the attention of the people to the same quarter; and hence the impression, as sudden as it was universal.

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* It is related as a piece of pleasantry of the late James Ross, in defending the Rev. John M'Millan from an action of slander brought by another clergyman, the words alleged—"He is a preacher of the devil"—Ross contended that it was a mistake, that the words must have been—"He is a devil of a preacher."

As from a theatre, where the scenery has taken fire, there is an effort to escape, and the spectators rush in every direction; so on the present occasion. The greater part had got out and were at some distance from the church, in disorder, the deacons endeavoring to rally them, like officers the flying squadrons of a routed army; but in vain; the panic had been so great, that every one was willing to make the best of his way from the scene of action.

The clergyman himself was not a little terrified, thinking that, contrary to expectation, the devil had come among them; and though he himself had seen nothing of him with the naked eye, yet that he had been visible to the congregation. Accordingly he had made his escape at an early period of the flight, and was on a hill, apart in the rear of the church, at prayers; with his eyes open, not shut, as was his custom; for on this occasion he had thought it advisable, not knowing what might heave in sight, to watch as well as pray.

The clerk, being a lame man, had sat still in the desk, and given out a Psalm, so that of the whole, he was the only one who could be said to remain at his post.

The bog-trotter was under a more unfortunate mistake; for he took it for granted, from the words of the clergyman which he had heard, and from the alarm of the people, that he had in reality undergone a change, and had become a devil. His endeavor, therefore, was to fly from himself; like one whose clothes are on fire. His howling and shouting, like that of a beaten dog, increased the disturbance, and his own perturbation. He was a mile from the village before he ventured to look back; and even then he did not stop, but continued his route to a greater distance in the country; at the same time not convinced fully of his metamorphose; for, putting his hand on his head, he could feel no horn, nor a tail behind his back, though he endeavored to catch at this also. Hence it was that he thought it proper to extricate himself, and ascertain at his leisure, the real state of the case, as to his being what he was, and the idiosyncracy of his existence.

Certain it is the bog-trotter had no great intrinsic value in the qualities of his head, or heart; nevertheless, from habit or some other principle, the Captain had conceived some attachment to him, and was uneasy at his disappearing, especially under the late circumstances; not knowing what might befal him from a mistake of characters. In the present state of the public mind, with regard to the judiciary, it might happen to him to be viewed again under that aspect, and be laid hold upon, as before, and put in fear of his life. Nor was it a thing morally certain, that he might not become a trespasser himself, if not upon the persons, at least upon the property of men. The want of food might tempt him to rob hen-roosts, or break spring-houses, which are used as dairies, or to keep meats fresh in the summer season. On these grounds, he thought it both for the public good and that of the individual, to endeavor to reclaim and bring him back. As to the idea of his turning hermit, which some thought probable, it never came into the head of the Captain. For though he knew that disappointments in love or in ambition, have oftentimes made hermits, yet this must have taken place in the case of persons of greater sensibility than had ever been discovered in the bog-trotter. Misanthropy is sometimes the natural characteristic of the mind; but more generally the offspring of extreme benevolence, hurt by injustice. Hence it ought to be inculcated to indulge even benevolence with moderation; and to be careful of sanguine expectations of gratitude from those served. "Be not weary in well-doing" to others, even though a correspondent mind in those served, does not not always show itself. But for the sake of self-preservation, it is unsafe to count too much upon the fruit which good acts may produce. The seed does not always fall upon good soil, and the seasons may blight the crop. But the anchorite is not usually made of such as Teague O'Regan, who had rather be among men getting flesh and fowl to eat, than living on vegetables in the woods, and drinking the pure flowing element of water from the rock; or to trace the matter somewhat further back, as we have already hinted, where the natural mind does not find its enjoyments, in the association of the happiness of others with its own.

The whole village appeared to take an interest in the uneasiness of the Captain, from the loss of his servant. The young man who had set up the Pole-cat to counteract the paper of Porcupine, had gone out in quest of him, and from his knowledge of the woods, looking for cats, could more readily than others, go to such recesses, or point out such caverns, as might be expected to receive him.

The blind lawyer and fiddler had paid the Captain a visit, to console him, the one with his violin, the other with his conversation. The blind lawyer made light of the matter, and thought that taking to his trotters, was the best thing that Teague O'Regan could have done; and that the leaving the village for a time, though operating in the nature of exile, yet carried nothing more with it than had happened in the case of Aristides, among the Greeks, or Marcellus among the Romans; and illustrious characters of other countries, who, avoiding envy or yielding to unjust prosecution, had been under the necessity of abandoning their country for a period. Some, indeed, had spent the remainder of their lives in foreign countries; and were buried by people, who formed a juster estimate of their merits than their ungrateful countrymen, whose happiness had been advanced by their wise counsels or heroic actions. But that in the case of the bog-trotter, there was great reason to believe, not only that he would be well received by the neighboring states, but that in due time he would be re-called to the bosom of his country, with feelings of a contrary nature, but in proportion to the ignominy of his exit,

The Captain felt a degree of consolation from the observations; but at the same time could not avoid expressing his regret that he had not favored the ragamuffin throughout, in his pretensions to become an editor of a gazette; and the proposition of the citizens to put him at the head of a paper; for though it might have subjected him to a kick or a cuff, now and then, for a blackguard paragraph, yet he would have avoided the danger of being taken, as had been the case, for a judge or a devil.

But, said the blind lawyer, as you intended it for the best, though it has turned out otherwise, yet there is no reason why you should blame yourself, or that others should find fault. Time and chance happeneth to all men. In the capacity of editor, he would have been subject to indictments for libels, to which a want of an accurate knowledge of the law, in matters of written slander, and a vulgar propensity, might have rendered him liable. He had some legal knowledge, I presume, having studied, not at the temple, but in this country, perhaps with more advantage; for I believe it is pretty well understood, that temple study is not of much account.

He understands about as much law as my horse, said the Captain; for which reason it was the greater burlesque to talk of making him a judge; unless, indeed, all legal knowledge should be put down, and men should determine by their own arbitrary notions of right and wrong, independent of rules and principles.

As to the making him a judge, said the lawyer, I do not take it there was ever anything serious in it; and even as to the present obloquy against the law, I am disposed to think the current has in a great degree spent itself. Accusation and condemnation are not the same thing. It is no new thing to see accusation and condemnation mean the same, under an arbitrary government. Indeed, in a government of laws, we have seen the power of aristocracy, the influence of wealth and office, exerting itself, and sometimes succeeding in running down the accused; so that while they enjoyed the name, they were deprived of the substance of trial. Even in a democracy, not in name only, but in fact, ambitious men have misled, and pretending the public good, have had in view their own purposes. But in the free and equal representation of a larger borough, and before a deliberate tribunal, it is contrary to moral probability, that accusation and condemnation will come to be considered as the same thing. Adversaries may pretend this, and in order to bring a slur upon the administration, may even wish it; but it is not in the common course of things that it should be the case.

I do not know, said the Captain; I have not read a great deal of history, ancient or modern, to be able to take a view of the judicial proceedings in the case of public men in republican governments; but there is a difference in this country, from ancient republics, in the matter of representation. In the forum of Rome the people themselves assembled, and heard the cause. They had not to look over the shoulder to see how the constituent, who was not within hearing, stood affected; or to reflect in their own minds, how an acquittal would be taken by the voters, who had prejudged the case, and had said the officer must be brought down. Do you think Sylla, on his abdication, would have offered to submit the necessity of his proscriptions, to the people in a representative capacity? The principle of representation makes the great difference between this government and all others that ever existed, ancient or modern. Athough not a discovery here, it has been carried to higher perfection. If it should unhappily fail, free government, on a large scale, must also fail.

And yet; said the lawyer, the chances for justice would seem to be in favor of a body removed from the multitude, and approaching more to a select tribunal. But the fact is, there is no perfection in any human institution. It is "the Judge only of all the earth," that can at all times do right.

It is a great thing to have no private views, and to have conscience; so that no envy can warp or dislike mislead. Understanding also, is requisite to confine the consideration to the charge, laying out of view collateral suggestions. For if Cinna has not conspired he ought not to be "torn for his bad verses." But if justice cannot find a certain residence in a democratic government, tempered by representation, and accompanied by checks and balances, she must leave the earth. I despair of finding it anywhere else. I have felt tyranny, or have thought that I have felt it, even in the courts of justice; so that I am not one of those who lean against the investigation of judicial conduct. It is my object to assist the democracy with general observations; and by the democracy I mean not so much the tribunals that are to judge, as the people that delegate the judgment. It will be a great matter, that the judgment given be able to stand the examination of law and reason, abroad and at home. High cases will come down to posterity, and fix the character of the administration. Liberty will be affected, as posterity will approve or reverse the judgment. That is a high and transcendent court, with whom it lies to judge judges; and lessons of high honor and discernment from that court, will have an effect upon the streams of justice to the remotest fountains. If the understanding of such paramount tribunals appear not beyond suspicion, from the decision given, it will be a great hurt. The really guilty may afterwards escape, from an odium brought upon the prosecution, an accusation will be less readily sustained, when accusation and condemnation, should ever that happen, come to be considered as the same thing.

CHAPTER XXXV.

Which explains the mystery of O'Regan's disppearance.

Nothing had been yet heard from the polecat man, who had gone in quest of the bog-trotter; nor from any other quarter, could the Captain learn the place of his banishment. Had he known where to find him, he could have sent him some books to read, suited to his present situation, and his state of mind. Bolingbroke on exile; Boethius, his consolation of philosophy; these, though he could not read himself, he could get others to read to him; unless, indeed, he should have happened to have fallen into a very illiterate part of the country, or where the German only was spoken,* and so these books which are written in English could not be read; the last was written in Latin, but translated into English. Not having books to read, he would have to amuse himself with nine-mens-morrice, or cross-the-crown, in the sand, or upon chalked boards. Perhaps this might answer the purpose as well, to an uncultivated mind, as dissertations of wisdom, in manuscript or print. Business is perhaps the best assuager of melancholy; but the indolence of the ourang-outang, as he may be called, speaking characteristically, would hinder him from using this means of cheating his imagination. Laziness was his fort, and there was reason to believe that he knew it, and would stick to it.

The Captain, however was not inattentive in his inquiries, in the meantime, and hearing of a conjurer that had come to town, not having much faith in his art, but in compliance with the wishes of some who suggested it, he thought propor to consult with this wise man, and gain from him such discoveries as he might think proper to communicate. Not that he imagined Teague had got among the stars, and taken his station with the crab or the the lion. But this conjurer having more to do with bringing back stolen horses or lost goods, than casting nativities, it might fall in his way to ascertain the track of the bog-trotter.

Now it so happened, that O'Regan had been met with by the conjurer on his way to the village, and had been taken into his service, as one that seemed to answer his purpose for an understrapper, having some knowledge of the town, and capable of acting the part of an under devil, whom he might occasionally raise, and interrogate upon the state of affairs at home or abroad. The hair that had been intended for the devil's tail, sufficed now; for Teague pointed it out the evening they came to the village; and the horns were at hand, which had been provided for former service.

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* There are parts of the country where the German emigrants settling in a body, are not fused into the common mass of the population for several generations, but still speak the German language, though much corrupted.

In the capacity of assistant conjurer, O'Regan played his part in the commencement well; and the ladies coming to consult, had some things told them that had happened; a circumstance that gave them full confidence in the information given with regard to things to come. It was this that had raised the credit of the conjurer, and made his art the subject of general conversation. For the tongue of a woman is an excellent promulgator in all that relates to secrets.

There was a widow lady of good fortune, that wished to see her second husband. The visage of the Captain, just coming in, was reflected from the mirror, and she saw him.

My dear husband, said she, it must, it will be so. If the stars have ordained it there is no getting over it. I shall be happy how soon it can be brought about. Can you tell, conjurer, how long it will be before the knot is tied? How valuable an art it is, that can so easily remove doubts. By this time she had the Captain round the neck, and kissing him, without regard to the company.

The Captain, from natural delicacy or a good education, was unwilling to repel the caresses of a lady; at the same time, thought he could not in honor take advantage of the mistake, under which she appeared to labor; but on the contrary, explained to her, on the principles of optics, the manner in which his physiognomy had been reflected from the lens, and that it would require another experiment to ascertain the real husband which the stars intended.

The conjurer admitted that his glass had not yet been applied to discover invisibles; that in fact he had only been bringing it to bear, when the face of the Captain intercepted the vision.

The lady was satisfied, and disposed to reconcile herself to the real designation of celestial powers, conceiving it in vain to struggle with destiny; and therefore desired the conjurer to lose no time, but to manifest to her the real object of her hopes.

Applying her eye to the glass, she saw a face that she did not greatly dislike, for it had the appearnce of freshness and contentment; but she saw horns.

Horns! said she. What can this mean?

Mean, said the Captain; every one knows the meaning of the emblem. It is a sign that the poor man's former wife had been unfaithful to him.

The lady was glad to find the allusion had passed askant from herself, as, indeed, it could not be well made to her, not being yet married to the gentleman.

In fact it was the bog-trotter, who instead of raising a picture in the camera obscura, had thrust his own head into the box; and having just before affixed his tail and put on his horns, the last were visible in that quarter, when he presented his phisiognomy through the magic lantern of the conjurer. His curiosity to see the lady had led him to do this; and expecting that the conversation before the scenes would have lasted longer, before she began to look, he was surprised, and had not withdrawn his head.

The lady requested the conjurer to inform her what length of time her future spouse would be in coming down from the constellations.

It is not in our power to determine the orbits of fortune, said the conjurer; but simply the phases of the planetary changes.

I should like your faces better, said the lady, if you would bring them down without horns.

This face that the stars have shown, said the conjurer, is in the crescent, but if you come a day or two hence, he may be at the full, and without horns.

In the crescent, or at the full, said the lady, let us have him soon: since it is what I am to have. So saying, she withdrew.

The Captain stepped up to put his question relative to the bog-trotter; and explaining at full length the circumstance of his absconding, wished to know the place of his seclusion, and the means of his recaption.

He is in my service, said the conjurer, acting the part of the devil, and is the very figure with the horns, which the lady that just now left us, has mistaken for her future husband;

at the same time explained to the Captain the circumstances under which he had found the vagrant, and the manner in which he had accoutred him for the part he had to act; and also how it came to pass that he had got his head into the box, and shown his horns, which had given umbrage to the lady. He gave him also to understand, that he had found him a tolerably expert devil, that he carried his horns and his tail well, that he had raised him frequently, in the capacity of devil, since he came to town, and was to raise him that evening to some young men who had appointed to consult him on love matters; that if the Captain would wait, he might see him play his part, and judge of his dexterity in his new office.

As when in epilepsy, the eye is fixed in the head, and presents a motionless stare, so looked the Captain's at this crisis. He was astonished at the deception of the fortune teller, and the vagaries of his waiter; this last adventure had exceeded all the rest. He could not avoid expressing his disapprobation of the foul play which had been shown the lady, and the fraud which had been put upon her, showing his bog-trotter for a person designated by the heavenly bodies to be her partner in matrimony; and still more the iniquity of inveigling an ignorant creature to take upon him the character of devil, a masque which he had been endeavoring to avoid even at the risk of leaving the village; but what especially gave him pain was the immorality of the occupation into which he had been led; picking people's pockets under a pretext of discovering things unknown, while in reality the whole was an imposition. It was of lighter consideration that he had degraded himself, and given a false direction to his ambition.

However, as the conjurer had him in his service, and some claim upon him, probably to fulfil his engagement, for the season, what could he say or do? Contracts must be complied with; unless, indeed the unlawfulness of the service might relieve from the condition. For this it would be necessary to consult the blind lawyer; and for which purpose he took his leave and withdrew.

The blind lawyer was of opinion no prior contract with the subordinate existing, having been but a servant at will, no habeas corpus or other legal process could lie on the part of the Captain, to take him out of the hands of the conjurer; and as to the unlawfulness of the service, that must be a plea in the bog-trotter's own mouth, and not in that of another for him. Doubtless it was a fraud upon the public; but the people themselves became a party, by consulting the wizard, and no action would lie to recover money back so thrown away; for *potior est conditio possidentis.* But in foro conscientiæ, it might be a question whether it was a wrong to trick people that were willing to be tricked. *Si vult populus decipi, decipiatur.*

The Captain thought it an immorality, to take such advantage of the credulity of the young and the ignorant; or even of old fools; for truth, sincerity, and plain dealing, was the basis of morality.

A quid pro quo, in all contracts, said the lawyer, is doubtless necessary. There must be a consideration; but it is not necessary that this be a substantial equivalent. One promise may be the consideration of another. Amusement is a consideration of a great part of our stipulations. Can anything amuse more than fair hopes?

> The pleasure is as great,
> Of being cheated as to cheat.

I am not able to argue with a lawyer, said the Captain, especially on principles of law; but this much I know, that the conjurer engages to perform what he cannot do, that is, to tell fortunes, and therefore deceives. Hence he is what I call a rogue; he obtains money under false pretences. Now that my bog-trotter, low as he is, should be an apprentice to a rogue, or worse, an assistant and partner in iniquity, is reflection upon me, who have brought him here; and independent of this, there is a degradation of turning devil. A printer's devil, we all know, means the lad that cleans types or puts on the black-ball; but this is a different sort of personage, and actually wears horns, and is in semblance of Beelzebub, or at least in that representation of him which the painters give.

As to the degradation, said the blind lawyer, that is matter of opinion. If we recur to popular language, and take our ideas of an honorable calling from common parlance, we shall find nothing of higher estimation, in grade of profession, than that of the conjurer; we say of a physician, he is no conjurer; of a lawyer, he is no conjurer; and so on of other occupations, meaning that however eminent any one may be, still he falls behind the conjurer. But in a republican government the trade or employment of a man is but little considered. The great matter is the profits of it. Does it make the pot boil? If the bog-trotter finds his account in the service, and makes money, the world will wink at the means. How is it in monarchies? Are not the meanest offices about the sovereign deemed honorable? Why should it not be so with the sovereign people? To act the part of a devil may be sinful, as a divine would say; but as to honor, I do not know it to be any impeachment to be a devil. The greater the devil the better the fellow. It is a cause of challenge to call a man a knave; but not to say he is a devil. We often hear it said of such an one, that he is "a devilish clever fellow."

The Captain discovered that the lawyer was disposed to be playful and not serious, and dropped the conversation, still hurt in his mind at the catastrophe of his subordinate itinerant, or squire, as he might be called, and who had been on the pinnacle of fortune, in point of expectation, having fallen so low, and gone so far astray in his pursuits. But a change was given to his meditations, when, in the meantime, the bog-trotter appeared without tail or horns, or a whole shirt upon his back. He had lost all these in a scuffle with the conjurer, about the division of the profits. A misunderstanding had also taken place on the subject of alternating offices; the deputy insisting that he should change places occasionally with the master, who should act the devil in his turn. This the principal refused to do, and hence the disagreement, which had come to blows, was the cause of a separation.

CHAPTER XXXVI.

Captain Farrago falls under public obloquy, and in consequence resolves to emigrate.

THE instability of the popular favor is proverbial. The Captain, who had been so lately popular, became the object of general detraction and abuse. There were various causes for this, none originating in his own fault; but the ostensible was the conduct of Teague, for which he was considered responsible, in having been with the conjurer, and acting in the capacity of devil. Though, by the bye, it was the people themselves that had brought the thing about by masking him with tail and horns. So inconsistent is the multitude, that they blame to day, what they themselves had caused yesterday. The Captain being hurt at this, and willing to clear off reflections for the future, determined to deliver up the bog-trotter to themselves, to make of him what they thought proper. Accordingly having called a town meeting, and bidding Teague follow him, and addressing more particularly the officers of the incorporation, he spoke as follows:

Fellow citizens, said he, here is that young man, whom you have made a devil of in this town; for it was you that made him a devil, and yet you blame me, as accessary to the wickedness, or rather, the principal in the act. Now here he is, stripped of his tail and horns; and, I will nct say, like the sun, "shorn of his beams," for that would be too elevated a simile; nor like Sampson, "shorn of his hair," for that would be also pompous. But I will say, like yourselves, without superfluous incumbrance. Take him, therefore, into your custody, and under your protection, and hew him into whatever shape you may choose; fashion him as you please. Make him the editor of a newspaper, or transform him even to a judge of your courts. I shall not stand in the way of his promotion, or of your will any longer.

It was evident that the first impressions of the people, were favourable to the proposition; and that they took in good part, the condecension of the Captain to the public voice. But a factious man in a leathern pair of breeches, who had never had an opportunity before of making himself heard, rose to speak. Captain, said he, is it fair to attempt a burlesque on the democracy by introducing your servant on the public mind, for a post of profit, or of honor? It is true the greater part of us are but plain men, and illiterate, if you choose to have it so; but yet it is to be hoped, we are not so hard run for persons capable of civil employments among ourselves, as to be under the necessity of taking your bog-trotter.

Heaven! said the Captain, roused a little in his mind, for he was not apt to swear, has it not been yourselves that have proposed the matter, and brought all the trouble on my head respecting it? I did, it is true, in the first instance, suggest the idea of putting him at the head of a paper; but it was without consideration; and I retracted it both in my own judgment and in my words to you, immediately after. For though the press has been degraded, by such as he is, in that capacity, yet I was not willing to contribute to the like evil? The making him a judge came from yourselves, it was an idea that never started in my brains? It was your own burlesque not mine.

Why should I undervalue democracy, or be thought to cast a slur upon it; I that am a democrat myself. What proof have I given you of this, my works show my faith. It is true, I have not undervalued learning, or exclaimed against lawyers, or joined in the cry of down with the judges; but take the tenor of my life and conversation since the foundation of the village. I was at the first settlement of it. Did I engross lots of ground? Has there been a necessity for an agrarian law in my case? Have I speculated on the wants of men, by forestalling, or regrating? Have I made haste to be rich? That is, have I overstepped the common means of industry? Do I value myself on my fine clothing? Do I indulge in luxurious living? Is my hat off to a rich man, sooner than to the poor? Do I oppress the stranger, or rather do I not assist him, and invite him to our habitations? Who has heard me call out against foreigners; or fixing a prejudice against emigrants?

Have I not opposed all alien and sedition laws, and stood up against constructive treason? Have I not always been in favor of the largest liberty to the citizen consistantly with public safety and the rights of their persons? Have I not been in favor of helping the poor, and those in middling circumstances to improve their condition, and at the same time, affording ample security and protection for every man in the enjoyment of the fruits of his industry, although inclined to repress arrogance, in whatever quarter it may show itself.

Captain, said an Irishman coming forward, and beckoning with his hand, all dat you tell is very well. But is it a gintale ting, to trow a ridicule upon de whole Irish nation, by carrying about wid you a bog-trotter, just as you would an alligator, or some wild craytur dat you had catched upon de mountains, to make your game of de Irish. By de holy faders, it is too much in a free country, not to be suffered——

Phelim, said another of the same nation, interrupting him, but a man of more sense and liberality, you are a fool, said he, Phelim, if you were my own broder, I would say so; you are a fool, de Captain means to trow no ridicule upon de nation. Gentlemen of all countries laugh at deir own fools, and made jokes upon dem; not to show de follies of de nation, but of human nature. In Dublin, we have our jokes upon our Dermots and our Thadys, and de devil a duel about it, nor in dis country neider, just for de sake of pace and quietness, and and good fellowship and eating and drinking, which is much better dan breaking heads wid sticks, or shivering one anoder wid bits of iron dey call cutlashes, so hould your tongue, Phelim, and let de Captain spake, I like to hear him very well. You might as well take exceptions to Don Quixotte, because he had his Sancho, and would make him a governor, and was'nt Sancho a fool, a coward and a rogue? Sure Cevantes did not mane to trow de ridicule on de whole Spanish Nation. Dere is no braver nation dan de Spanish; I have often heard de Captain say de like of de Irish. On my soul, dere is no better frin to dem. De burlesque is on de counthry-borns here, dat make fools o' demselves by maken parliment men o' Tague, who niver did any ting but dig turf in de oul country; to make a parliment man of Tague, would be queer in Ireland, and de Irish nation has men of sense as well as fools, as in dis country; I like de fun of de ting. I like to be joked very well, devil take me if any people love a joke better dan we do at home, and dat you know very well, Phelim. De burlesque consists in comparing de high wid de low, and de low wid de high, and de dialogues, and spaches mark de characters. It is de high dat is ridiculed, and not de low, when you compare de low wid it. De books and travels will tache you dat, Phelim. Let de Captain spake widout interuptions, and tell his story. I like to hear de Captain spake very well.

Far be it from me, continued the Captain, to undervalue Irelend, or to mean disrespect to the nation, for there is no people for whose genius and courage I entertain a higher admiration. They are a noble hearted and hospitable people; yet it is in the very hot bed of great qualities, that we may expect to find examples of ignorance and depravity. Much less have I intended a reflection upon a democratic government, in the countenance I have given to the proposition of advancing him in grades and occupations. Nor is it democracy, that I have meant to expose, or reprehend in any thing that I have said, but the errors of it—those excesses which lead to our overthrow. These excesses have shown themselves in all democratic governments; whence it is that a simple democracy has never been able to exist long. An experiment is now made in a new world, and upon better principles, that of representation and a more perfect separation and nearer equipoise of the legislative, judicial, and executive powers. But the balance of the powers, is not easily preserved.—The natural tendency is to one scale. The demagogue, the courtier of democracy, is the first great destroyer, of the constitution, by deceiving the people. He is an aristocrat, and seeks after more power than is just. He will never rest short of despotic rule. Have I deceived the people? Why then am I suspected of a want of patrotism, and good will to the people? Why am I charged with ridicule at their expense, who wish nothing more than to inform their understanding, and seek their own good.

But is it not presumption in you, Captain, to undertake this, in any shape; said a man with a shrill voice. Is it not an insult upon the people, to suppose that they can err, or supposing it that you can set them right?

It is too much to bear, said a third person, with a grey coat, I am for repressing all such presumption. It leads to aristocracy.

The blind lawyer got up to speak.

We will hear no lawyer, said a man with a long chin, and a pale visage.

It is the blind lawyer said a friend of the Captain.

Blind or purblind, said the man with the pale visage, we shall hear no lawyer here. The Captain has bred a great deal of disturbance, since he returned to the village. He has opposed us in every thing that we proposed to do. No reform can be carried on, but he must have his objections and exceptions from the nature of government. Just as if the making or keeping up a government, was a thing of mixture and composition, like a doctor's drug. As if a man must learn it, as he would to make a watch or to keep it in repair like a clock. Can their be any thing more simple than for the people just to govern themselves? What needs all this talk of checks and balances? Why keep up laws and judges, at an expense as if the people were not competent to give laws, and to judge for themselves?

Ye need na' mind the Captain, said Duncan, coming forward, having a regard for him, and seeing him in a delicate predicament the anger of the people kindling; ye need na' mind the Captain, said he, for he's no right in his head. He has got some kink in his intellek, that gars him conceit strange things. I was his waiter twa or three months, and I found him a wee thing cracked; and ye canna weel but find it sae, when ye tak a look at his vagaries and imaginations. Just let him go about his business, and mind your ain affairs. It wud be a shame to fall out wi' a man that's no right in his head.

If that be the case, said a man with a brown wig, great allowance ought to be made. None of ourselves can tell how long our natural reason may be continued to us. To be sure he talks like a man that is not just himself. But we did not know but that it might be a disguise to conceal his views; the mask of simplicity, the better to introduce aristocracy.

Gentlemen, said the Captain, I shall not contradict Duncan, who, I am persuaded, believes what he says. But since my services amongst you at present, do not seem to well be received, though from my heart well intended, I will leave you for a while, and call off the bog-trotter to another ramble. Considering it as a banishment in fact, though not in name; and adopting the language of one under like circumstances, I will wish that the village may never have occasion to remember me or my observations.

CHAPTER XXXVII.

Reflections of the author on various subjects. The neglect of the legislature to establish schools, and to promote learning.

Some of our readers may be displeased at the introduction of the name of Porcupine, and at our having alluded to that other savage of the types, Callender; for although no man can respect these characters, yet consciousness of having once favored them from other motives, will touch the self-love of some; as it will be said the one is dead, and the other ran away, and it was not worth while, or perhaps liberal, to make use of their names even in a dramatic way, or as a character in a fable. As to Porcupine, it was said at the time, that though occasionally coarse in his language, and gross in his reflections, yet such a spirit and style of writing was necessary to counteract the excess of democratic principles; that in fact, it did good. I doubt upon that head; or rather, to the best of my judgment, it did harm to the cause which it was thought to serve. Indignation is insensibly transferred from the advocate to the cause.

It has been said in the British Parliament, that "he deserved a statue of gold for his services rendered here." This is a great mistake. He did injury to the character of British manners and liberality. It produced something like a personal resentment against the whole nation whence such a writer came. An intemperate partizan, in public or private life, can never serve any cause.

But it was not with a view to portray this spectre of scurrility that the name is introduced; but because it suited to the counterpart, Polecat. I had thought of Panther; but Porcupine could be drawn from real life, and was at hand.

I will not say that before Porcupine came, and since, there has not been a portion of scurrility in some gazettes, unworthy of the press. There has been too much; but I believe the example and the fate of this monster and his successor, Callender, has greatly contributed to reform the abuse. It is a check upon an editor to be threatened, not with a prosecution, but to be called a Porcupine or a Callender.*

It will be natural for a reader to apply in his own mind, the history of the village and its agitations, to the state where we live; and it will be asked, what ground is there for the idea, that here we talk of pulling down churches, or burning colleges? There is no ground, so far as respects churches; but it is introduced by way of illustration. What if any one should say, let us have no books, and no doctrines but the ten commandments, the Lord's prayer and the apostle's creed? Give us the gospels in a narrow compass, and have no more preaching about it; let there be no more churches or preachers! Let it be so with the law; why cannot we have it in pocket book, and let every many be his own lawyer? Our acts of assembly fill several folio volumes; and yet these are not the one thousanth part of our law. Why not, at least, put the acts of assembly in a nut shell? Ask our legislators. What else law have we but the acts of the legislative body? The law of nations forms a part of the municipal law of this state. This law is of great extent, and to be collected from many books. The common law, before the revolution, made a part of our law; and by an act of our legislature, is recognized and established to be a part of our law, "and such of the statute laws of England as have heretofore been in force." This law must be collected from commentaries and decisions. It is of an immense extent, because the relation of men and contracts of parties are of an infinite variety. But how is Turkey governed? Do the mufti require such a multiplicity of rules? No, nor the cadi in Persia; because "having no law, they are a law unto themselves." There is no jury there. It must be a profession, a business of study, to understand our law; we cannot therefore burn the books of law, or court-houses, any more than we can dispense with sermons and commentaries on the Bible, or pull down our religious edifices, without, at the same time, breaking up all the solid foundations of society. All nations which have become great and powerful, have had a religion. It is, therefore, a necessity. There never has been, and there never will be a nation of philosophers, or theo-philanthropists, men, women and children. And if there must be a religion, I cannot hesitate to give the preference to the christian over the heathen. The arrogant and conceited visionary may laugh, but it will be the laugh of folly.

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*Porcupine, or Cobbet, in this country, was a violent hater of democracy, and wrote a pamphlet entitled, "A bone to gnaw, for the democracy." When he returned to England he became a Jacobin or Radical. Callender was an unprincipled, malignant slanderer; willing to write for or against any one for money.

I will not say that people talk of burning colleges; but they do not talk much of building them up. The Constitution provides, Article 7, "That the legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis." Something has been done for academies and colleges, but nothing for primitive schools.* It is these which form the springs and rills to feed the larger streams. It is here that government should begin, and it has yet done nothing. These are the schools for the children of the republic; but are there no schools for grown persons? Yes, there is the democracy, pure and simple, of their town meetings, and primary assemblages, where every one may take part. There is again, representation in the city or borough corporations, and state legislature; in the courts of justice, service on juries; and the many other duties, where they can acquire a practical knowledge of their obligations; thus fitting the humblest citizen to carry on the scheme of a representative democracy. Without this apprenticeship, and experience thus acquired, they would only be fit to be ruled by a master. Our state legislatures are great schools, or rather colleges. I have known countrymen, at first little better than clowns, but possessing good natural parts, after the service of two or three sessions, become respectable statesmen, and no enemies to education. some of these afterwards rose to distinction in either house of Congress. Every ten years, some thousands of statesmen are reared in these state schools.

Sec. 11. "The arts and sciences shall be promoted in one or more seminaries of learning." We do not hear of much exertion on this head, either in the legislative body or out of doors. But what is more exceptionable, or at least unfortunate, in the opinion of literary men, and perhaps in the opinion of some that have the misfortune not to be learned, is that learning does not seem to be in repute universally. The surest means in some places, as is said, to make your way to a public function, is to declaim against learning. It would be a libel on the body politic, if a state could be the subject of a libel, to say or to insinuate, that this is general. But it is heard in some places. I do not know that it is carried so far that a candidate for an office will affect not to be able to write, but make his mark, but it is not far from it; for he will take care to have it known that he is no scholar; that he has had no dealings with the devil in this way; that he has kept himself all his life, thank God, free from the black art of letters; that he has nothing but the plain light of nature to go by, and therefore cannot be a rogue; that as for learned men that have sold themselves to the devil, they may go to their purchaser; he will have nothing to do with old Nick or his agents. This is not just the language used; but it is the spirit of it. It may be a carricature, as we distort features to make deformity more deformed. But the picture is not without some original of this drawing. To speak figuratively, as we say of fevers, it may be in low grounds, and about marshes, that we have the predisposition; that is, in secluded parts of the country. But so it is, that it does exist.

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* This was written many years before the passage of the Common School law. Vast changes have been made within thirty years.

It is true, the savages of our frontier country, and elsewhere, dispense with the use of letters; and at a treaty, Canajohalas and other chiefs make their marks. They are able counsellors, and bloody wrrriors, notwitstanding. The Little Turtle defeated General St. Clair, who is a man of genius, and literary education; and yet the Little Turtle can neither read nor write, any more than a wild turkey, or a water tarapin. But let it be considered, that the deliberations of the council-house, at the Miami towns, embrace but simple objects; and a man may throw a tomahawk that holds a pen, but very awkwardly. So that there is nothing to be inferred from this, candidly speaking. I grant that Charlemagne made his mark by dipping his hand in ink and placing it upon the parchment. It was his hand, no doubt; but it musthave taken up a large portion of the vellum; and it would have saved expense, if he could have signed himself in a smaller character. But what may pass in an illiterate age, with an emperor, will not be so well received in a more enlightened period, and in the case of a common person. Every free citizen, in this country, has a high duty to perform, as important as that of a hereditary sovreign; as far as these duties extend, he is also a sovereign by virtue of birth-right.

It is not the want of learning that I consider as a defect; but the contempt of it. A man of strong mind may do without it;

but he ought not to undervalue the assistance of it, in those who have but moderate parts to depend upon. It is a bad lesson to young people, who had better take a lesson from their books. At any rate, it is good to have the thing mixed; here a scholar and there an illiterate person; that the honesty of the one may correct the craft of the other.

How comes it that the lawyer in this state seems to be considered as a limb of Satan? There is a great prejudice against them. It would seem to me that it is carried to an extreme. I acknowledge there are some faults in the profession, which ought to be corrected, and I have not spared them; but with the kindness of a father who corrects a child. The evil is, that it may become less liberal, and a mere trade to get money; and the law is not so much studied as a science, that is connected with literary attainments. The evil stands on the ground of prejudice against learning. An advertisement appeared some years ago in a Philadelphia newspaper of a ship just arrived, with indented servants; tradesmen of all descriptions; carpenters, joiners, and sawyers. The error of the press had made it lawyers. It gave a general alarm; for the people thought we had enough of them in the country already.

But if we have lawyers at all, it is certainly an advantage to have them well educated. Were it for nothing else but the credit of the thing, I should like to see an enlightened and liberal bar in the country. It is thought that learning makes them make long speeches. If that should be made to appear, I bar learning; for I like brevity; with Shakespeare, I think it "the soul of wit."

I attribute the making long speeches, to the taking long notes. When everything is taken down, everything must be answered, though it is not worth the answering. This draws replies long into the night; and we labor under the disadvantage of not having woolsacks to sleep upon as they have in England, while the counsel are fatiguing themselves, or at least the juries.

The present tendency of the public mind is in favor of justices of the peace, and arbitration. Yet the suitors are glad to get back into court again. In China there are only justices of the peace, who are called mandarins, with an appeal to the emperor, which seldom reaches him. From the accounts that we have, justice is dispensed in a very summary way, but is it more agreeable to justice? I should think not.

A limb of the law, is a good name for a lawyer; for we say a limb of Satan; and a lawyer in a free country is the next thing to it; a thorn in the flesh to buffet the people! There is freedom enough in the constitution, why need we be afraid of aristocracy in practice? Every man is brought up to the bull ring in a court of law, be he rich or poor; but the scheriff, in Arabia, who is a justice of the peace, not like our sheriff here, though it is spelt the same nearly, can summon no jury; at least he takes care not to do it. But the governments of those countries are arbitrary, not free. A free government, and the exclusion of the profession of the law, cannot be reconciled; for where laws are numerous, somebody must make it their business to be acquired with them. And where they are not numerous, the state of society must be simple, or arbitrary power take their place.

How can the overthrow of a judiciary tribunal affect liberty? No otherwise than as it militates against a branch of the government. Take away a main branch from a tree, and its balance will be destroyed—its health impaired. The judiciary is the arm and shield, which protects the weak from the strong; the strong in body, in mind or in wealth. But suppose the judiciary branch goes; the legislative and executive remain. There are two sprigs to the legislative branch. Which is strongest? That of the house of representatives. Is there no danger of this outgrowing the other two? There is half a sprig in the executive. But the great sprig of the popular branch, or house of representatives, is "the rod of Aaron that will swallow up the other rods." There is a talk now of abolishing the senate. That will be talked of unless it becomes an enregistering office. It is hoped that will never be. In this I allude not to any disposition that has yet shown itself in the house of representatives; but to what I have heard broached out of doors. The senate is a check, a restraint, a curb, and wild liberty or licentiousness, hates all restraints, or checks, or curbs. Wild liberty loves to indulge its passions at whatever cost to others. It cares for nothing but itself.

Despotism is not a self-born thing. It has its origin in first causes. These are not perceptible, like the gas that produces the yellow fever. Why call out against the fever? It is the gas that is the cause. Whence sprung the emperor who now rules the French? From the mountain of the national assembly. It is the madness of the people that make emperors. They are not always aware when they are sowing serpents' teeth. Reflecting men saw the emperor in the insurrections of Paris; in the revolutionary tribunals; in the denominacy of the clubs; in the deportations to Cayenne. Whether it springs from the seed, or grows from the plant; is oviparous, or viviparous, despotism is not of a day; it is of gradual increase. It is from the people themselves.

Is it the duty of the representative to obey instructions? Theoretically, as he is to deliberate, it is his duty to follow the dictates of his own judgment; but practically, which is the more difficult to obey or not to obey? If the latter, then is there more merit in disobeying and acting correctly, according to the theory, as it may involve a self-sacrifice. The danger lies in yielding too willing an obedience. Representation is one of the checks on hasty legislation.*

CHAPTER XXXVIII.

Reflections continued. The talk of abolishing the courts. An apology to the lawyers.

In what has been said in the last chapter, of certain destructive propensities, I have had in view the prejudices of the people, and not the proceedings of any public body. The talk out of doors is the fountain which is to be purified. It is into this pool I cast my salt. Representatives must yield to the prejudices of the people, contrary to their own judgment, and when that judgment may be right. I have been in a legislature myself, and I know how a member must yield to clamors at home.*

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* The foregoing chapter contains very important topics. It is eminently conservative. The idea of representation being a *check*, is new·

I am far from condemning the impeachment of the judges. I rejoice at this power in the constitution. Yet, sublime is the tribunal that is to judge judges. Our senators, in this capacity, if I may venture to say so, are the representatives of heaven. I see them seated on a mount "fast by God;" the stream of justice issuing at their right hand; full and equal in its current; crystal in its fountains, and giving freshness to groves and gardens on its borders. The stream of injustice on the left, bursting like a torrent of inflamed naptha, scorching and consuming all before it.

Possibly I may offend the lawyers, for mingling censure with the defence of their profession. I have said to them, as was said to the Pharisees, "Use not vain repititions as the heathen do; for they think they shall be heard for their much speaking." By the bye, the heathen with us, that is, the savages of North America, are not long speakers. They call it a talk, it is true; but it is raised above a common conversation. And they are not tedious speakers; short, clear, and pithy, are the characteristics of their eloquence.

The heathen! Are the Gentile nations here meant, that bordered on Judea, or does it refer to redundance of the Greek and Roman eloquence? The loquacious Greek was proverbial. When a language becomes copious, the speakers become verbose.

But the lawyers will say, how can we help it? The client will have talk for his money. He purchased his plantation by the acre; he sells his wheat by the bushel; or, if a shopkeeper in the city, he measures tape by the yard. *Omnia Deus dedit,* says the Latin scholar, *numero, mensura, et pondere.** He will have quantity, let what will go with the quality. For of that he is not a judge.

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* The author, while in the legislature, was instructed by his constituents to support a *loan office law,* a wretched expedient against the hard times and scarcity of money, then prevailing. He refused, at the expense of his popularity. The law was passed, and only added to the evil, besides entailing on the state a long train of embarrassments.

I admit it is difficult to get a man to understand that the cause is oftentimes won with judgment and silence, like the game of chess. All depends upon the move. A client will say, you ought to refund me something, or take less than I promised. You had no trouble. Or he will go away and say, lawyer M'Gonnicle took twenty dollars from me, and did not say a word.

He was six hours on his feet, says a man coming from the court. This sounds well, and it looks as if the man was a great lawyer. So, that self-preservation is at the bottom of long speaking. Or it is in accommodation to false opinion.

I admit some in all this. An advocate will occasionally find himself under the necessity of saying more than is necessary, in order to save appearances, and to satisfy his client, who is not like the court and jury, weary of the harangue.

But this is not the great cause of prolixity. It has a deeper root; it is a false style of eloquence that has been introduced, and is become fashionable. I have asked Chief Justice Shippen if he could trace the origin and progress of it. Is it imported or of domestic origin? He thinks it was introduced by John Dickinson, who was an agreeable but a long-winded speaker. At nisi prius, or at bar, in England, there was no such thing. But whether there is or not, is of no account. The thing ought not to be.

A lawyer must say everything that his ingenuity can suggest on the subject. The strongest reasons are not sufficient; he must bring up the weaker. After throwing bombs he must cast jackstones.

There is more sense in the common mind than is imagined; and close thought in strong words will be understood, and a few will suffice. Let the lawyer think more in his office. The more he studies his case, the better will he understand it; and the better he understands it, the fewer will be the words he will need to explain it.

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* God gave everything by number, weight, and measure.

The bar of this state is said to excel in legal knowledge; but certainly is behind none in liberality of practice, and delicacy in argument. In practice, no catches, or as the common people call it, snap judgments. This the meanest lawyer can do; a rat can gnaw a bowstring of Philoctetes.

I will not say that hence arises wholly the prejudice against lawyers. A prejudice against the liberal professions exists in all countries; or they are made the subjects of invective from the occasional abuse of their privileges. "Woe unto you lawyers," is a scriptural expression, and applies to the priests among the Jews who were the interpreters of the law of Moses. The physicians of all countries are said to kill people. And as to advocates, they get no quarter in any country. Wits will exclaim, even without ill will. Don Quevedo, a Spanish writer, in his vision of hell, tells us, that he observed a couple of men lying on their backs asleep in a corner, with the cobwebs grown across their mouths. He was told these were porters, and had been employed in carrying in lawyers, but there had been no occasion for their services, for a century past; these cattle had come so fast of themselves that the carriers had laid themselves up in the interval of business to take a nap their.

As to the length of speaking, how can it be helped in advocates? Not by any act of the legislature, constitutionally, at least in criminal cases; for it is provided by the constitution that in criminal cases, the party shall be heard by himself and his counsel. But this provision was not meant to exclude the right in civil cases, which existed at common law; but because in capital cases, in the courts of criminal jurisdiction in England, counsel was not allowed to the accused, except on law points, arising on the trial. In civil cases the legislature may change the law or modify it; but I am not able to say what regulation by an act of the legislature, might be expedient; or what practicable by the courts themselves. The safest and most easy remedy would be in the bar themselves; cultivating a style of eloquence of greater brevity, and endeavoring to be more laconic in their speeches.

But hinting, as has been done with regard to the exuberance of oratory at the bar, it is to be taken subject to the exception of cases which cannot be considered in a few words, either where the facts are complicated, and the evidence voluminous, or where the law embraces a wide scope of argument. The elocution in some cases, must be drawn from the law of nature; the law of nations; the municipal law. Statutes, commentaries, and decisions, must be examined at full length. It is not half a day, nor a day, that will always suffice to do justice to a question. The court themselves will stand in need of the careful preparation, and the minute investigation of the counsel. The bringing forward lucidly, and arguing a matter well, is a great help to a court. It is doing for them what they would have done for themselves, without their assistance. The labor of the counsel is the ease of the court. Many a midnight thought is expended by the laborious lawyer, of which the court feels the benefit and light which he throws upon the subject of litigation. It is the

Rudis indigestaque moles,

of the unprepared, that wastes the most time.

It is the highest effort of a strong mind to condense, to analyse, to reduce matter to its quintessence. Having taken a comprehensive view of the whole horizon of the subject, the men of talents collect the principals that govern and illustrate the case. To state the press these, is the effort of the great orator. To reduce to generals, and bring forward the result.

But in order to speak short upon any subject, think long. Much reflection is the secret of all that is excelent in oratory. No man that speaks just enough and no more, ever wearies those that hear him. And that is enough which exhausts the subject before the patience of the auditory.

There is such a thing as alarming the patience. A speaker branches on his subject. It is all proper that this should be done in his own mind. It is necessary that he should have a system of argument, and a certain order of arrangement. But I do not approve of an explanation of this, with firstlys, secondlys and thirdlys, up to tenthlys, showing as many heads and horns as the beast in the Revolutions. I remember the alarm which I have felt listening to a speaker in the pulpit, when he has spread out the table of his doctrine into heads and sections. When he had done with the first, that is well, thought I. But then there is the second head; will he be as long upon that? Now if he had said, this point of doctrine arises from the text, I would have heard it out without forecasting in my mind that the ulterior divisions were to come yet. It is not in the language of nature to have such compartments. It is well enough in a book of didactic dissertation. For there one can lay down the volume, and amuse himself otherwise, when he is weary. The Indian, in his talk, has an order in his mind, and pursues it by the wampum belt, as the Catholic says his prayers by his beads. That is not the secret of persuasion, which does not steal upon the heart; and whatever the effect in matters of judgment, may be the annunciation of method, it is unfavorable to all that interests the heart, and governs the imagination. You will see no such thing in Demosthenes or Curran. Cicero has something of it, but I always thought it a blemish. *Ars est celare artem,* according to Quintillian.

There is no such thing in the works of nature. Artificial gardens sometimes present that view, but these are not in the best taste; and is therefore studiously avoided in the modern style of English gardening. The beauties of nature are seized upon, concentrated and heightened. The hills, mountains, vales, and extensive plains, in nature, are distributed with a beautiful variety. The stars of heaven, are not placed at regular distances; yet there is a concealed order and proportion everywhere. The mind becomes indifferent where there is nothing that surprises and comes suddenly upon it. For this reason the English in their gardens, imitate nature, by avoiding formality and giving variety, and bringing within a small compass the scattered beauties of nature. But this is not the work of chance, even in the great original. There are laws which govern everywhere. Even chance itself has laws, which may even be subjected to calculation.*

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* These two chapters, in which the author comes forward, *propria*

CHAPTER XXXIX.

In which the author treats of the ingratitude of republics towards their public men.

The ingratitude of a republic has, somehow or other, come to be taken for a truth. It has come to be considered as ad-

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persona, might lead the reader to regret that he has not devoted himself to writing grave and serious essays, on many subjects for which his profound philosophic mind well qualified him. But his constant apology is, that he did not write for the learned or well-informed, but for the great masses of the people. While amusing these, he supposed he could, as it were incidentally, introduce now and then more solid matter. It is possible that sometime or other, these gems will be taken from their present setting, and placed by themselves, without anything to mar their brilliancy.

The war against law and religion is curiously exemplified by some of the visionary, or rather wicked, doctrines of the present day, among some societies in this country, although of foreign growth. I have more than once heard the infamous idea of Prud-hon repeated, that "property was robbery." In *theory,* those who maintain these doctrines are robbers, although practically honest. But is it to be expected that their disciples will evince the same contradiction between their principles and practice? They will in general be found materialists, not theorists or philanthropists.

There is nothing which is satirized by the author that approaches to the infamy of the following, from Prud-hon: "God is foolishness, cowardice, hypocrisy, falsehood, tyranny, injustice! God is evil! So long as humanity shall bow before an altar, so long will humanity be reprobate. God depart! away! for from this day forth, cured of my fear and become wise, I swear, *my hand raised to heaven,* that thou art the executioner of my reason!"

And he swears this, with his hand raised to heaven, after denying the existence of God! O, man, of what follies art thou not capable, of what contradictions and inconsistencies! Let any man read the foregoing, and say whether the author has underrated human nature, or the intelligence of even this enlightened country.

mitted, that in a republic great services are forgotten, and there is not a permanence of reward corresponding with the acts done. Scipio, amongst others, is given as an instance of this. I will examine the case of Scipio. And I must here remark, that he that would learn the *virtues* of a republic, must read Livy, while the vices of despotism may be seen in Tacitus. Without the contrast with the gloomy horrors of despotism, we cannot comprehend the glories of the republic, although exhibited in one so badly balanced.

The first mention wo have of Scipio by Livy, is in the 26th Book; where he tells us, that in that year Publius Cornelius Scipio, to whom the cognomen of Africanus was given afterwards, was Curule Edile with Marcus Cornelius Cethegus; setting up for the office, the Edile-ship, the tribune of the people opposed him, denying that he had a right to be a candidate, that the legitimate age had not arrived at which he had a right to set up for this office. If, said he, the quirites, the Roman people, choose to make me Edile, I have years enough on my side! This was appealing from established laws to the people, who had the power to depart from the rules they themselves had laid down. It is true he was carried; but such premature aspiring to the honor, laid the foundation of much dislike in the breasts of his superiors in age, and whose pretensions were prior, from standing and services. It is unsafe to obtrude oneself upon the public, but rather to wait until called for. In the smallest occurrences of life, a mind of sensibility will feel the indelicacy of taking place or precedence to which it is not entitled. A thinking mind, not blinded by ambition, will see the imprudence of it. What is called politeness learns to put on the appearance of this discretion; and when we are about to enter a room, it is but decency and good manners to give way to age. In setting up for an office in a community, what difference? The principle lies deep in human nature, and is the same. It is felt by age as a wrong done, when juniors push themselves forward and make their way before their time. Even those of equal age feel resentment, and hate the succesful adventurer. If they cannot show it at the present moment, it will one day break out.

In offering himself as a general to carry on the war in Spain, there was less reason, or perhaps none at all, to accuse Scipio of presumption, in offering himself to succeed his father, who had fallen in that war; and in addition to this his uncle had also fallen, which could not but stimulate him to revenge the death of these relations; and at the same time on account of the bloody nature of that war, there was no one offering himself for that service. To season my book with a little salt of Latin, I will give the words of Livy: "Cum alii alium nominaverunt, postremo eo decursum est, ut populus proconsuli creando in Hispaniam comitia haberet, diemque comitiis consules edixerunt. Primo expectaverunt, ut qui se tanto imperio dignos crederent, nomina profiterentur. Quo ut destituta expectatio est, radintegratus luctus accepto cladis, desideriumque imperium amissorum. Mæsta igitur cærtas, prope inops consilii. Comitiorum die tamen in campum descendit, atque in magistratus versi circumspectant ora pricipium aliorum alios intuentium, fremuntque adeo perditas, desperatumque de respublica esse, ut nemo audeat in Hispaniam imperium accipere. Cum subito Publius Cornelius, Publii filius, quatuor ferme et viginti annos natus, professus se petere in superiore, unde conspici posset, loco constitit."

I shall drop the Latin, lest I should be accused of pedantry in the language of persons who pride themselves for their skim-surface learning, by imposing the term of pedantry on all quotations of the classics in the original language; and for good reason, because they do not undersand it. But in order to introduce the further English, I translate some part of what has gone before. It is then to this effect:

"It was deliberated whom they (the Roman people) should choose to send as general to Spain. At first they waited until those who should think themselves worthy of so great a command, should declare themselves; and no one coming forward on account of the bloody service, and the danger of the war, suddenly Publius Cornelius Scipio, the son of the Publius who had fallen in Spain, now near the age of twenty-four years, professed himself a candidate for that trust; standing on a higher ground from whence he could be seen, upon whom, when the eyes of all were turned, he was received with a shout and with favor; and a vote instantly taken, he was unanimously elected."

"But," continues the historian, "Scipio was not only admirable for his real virtues, but (arte quoque quadam) of a certain cunning, or craft, from his early youth, fashioned to the ostentation of these virtues; alleging amongst the multitude a number of things which he had seen in visions by night, or had been revealed to him from heaven, by impressions on his mind; whether it was that he himself had been affected by some degree of superstition, or that he feigned those things that his orders and counsels might be obeyed without delay, as being inspired and sent from an oracle. Moreover, from the very beginning, preparing the public mind from the time he took up the Toga Virilis, no day passed that he undertook any public or private business, before he went into the capitol and entering into the temple, sat down, and for the most part alone in a secret place, there wore out a length of time. This custom of his, which was preserved by him through his whole life, whether designedly or heedlessly, procured with some a faith of his being a man of a divine stock; and revived the report first published respecting Alexander the Great, for vanity and fable alike, that he had been conceived from the embrace of a huge serpent, and that an appearance of that prodigy had often been seen in his mother's chamber; and that at the approach of men, it had always coiled itself up and slipped away out of sight. Credit to these miracles was never disclaimed by himself, but rather increased by a certain art of neither denying nor affirming anything of this nature openly. Many other things of the same kind, some true, some pretended, exceeded the limit of human admiration in that young man; relying on which alone, the state entrusted such a weight of things, and such a command to so young a person."

We see in this portraiture of Scipio the exact prototype and counterpart of some candidates for offices amongst ourselves. There is the same hypocrisy, though in a different way accommodated to the religion of the times. There is said to be more of this in the northern states; because religion there, in Connecticut especially, called the land of steady habits, is more fashionable, and the government itself is, not in constitutional appearance, but de facto a hierarchy. They tell me that no man can be elected to an office there, without the previous approbation and favor of the priesthood. Not that I find fault with this, if I was always sure that good morals alone and sincere piety, and not compliments or gifts to the pastor, were the criterion of his predilection. In the western and southern states there is not so much to be gained by playing off the grimace of religious appearances; yet in some places there is still something of this procuration: and what generous mind is there that will not feel a diminution of respect for such as take these means to advance themselves?* What need we wonder, therefore, if at a distant day, and after he had performed great services, we find a latent ill-will break out against Scipio, which had been sown at this early period, by the indignation implanted in the breasts of competitors for fame and elevation? nay, an indignation by the wise and good, at the arts by which the populace had been managed, for a private purpose and individual ambition? Why need we wonder, if at an advanced age, even though a good use had been made of this ill-gotten power, or power, gotten by unfair means, we should find charges against Scipio, and prosecutions founded, not in the truth of the accusations, but in the memory of the ways and means by which he had unduly acquired popularity, and the suffrages of the people? After great success in Spain, and his return to Rome, the war being concluded, when, says the historian, men carried it in report, that extra sortem, or out of his lot, the province of Africa was destined for Scipio, and "he himself, not content with moderate glory, said that he had been declared consul, not to carry on the war, but to finish it, which could not otherwise be done than by transporting the army into Africa: and he openly said that he would accomplish that by the people, in other words the populace, if the senate opposed it; and when that proposition was not pleasing to the primore of the fathers, and there were others who through fear or ambition were muttering; and quintus Fulvius, being asked his opinion, spoke upon the occasion."

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* On reading Livy, one cannot but be forcibly struck with the constant intermingling of religious with civil and military affairs. There can be no doubt, that in general it was turned to good uses; but it was at times perverted to bad purposes, as is the case at the present day with christianity. It proves, however, that even a childish superstition, such as the Roman belief, was better than nothing. But we often read of the sublime appeals of the heathens, to the justice and vengeance of the gods, especially in their solemn oaths in support of treaties, and in their imprecations on wicked and faithless acts. We often witness morality under the sanction of divine power. It was observed by Franklin, "If men are so bad with all the religion they have, what would they be without any?"

I will not take the trouble of translating this speech. But, for the sake of those that cannot be supposed to understand the learned languages, nor from whom such skill ought to be expected, ladies or gentlemen not bred to a profession, and farmers and mechanics, I will give the scope of it, viz: That he was opposed to the carrying the war into Africa. Scipio, on the other hand, spoke in favor of the measure, and supported his pretensions to the command. This speech was not favorably received; but it being pretty generally made known that if he could not carry his point with the senate, to have Africa decreed to him, he would instantly bring it before the people. Therefore Quintus Fulvius, who had been four times consul and censor, demanded of Scipio, that he would openly say in the senate whether he would leave it to the fathers to determine respecting the provinces and would abide by their determination, or would carry it before the people. Scipio answered that he would do what was for the interest of the republic. Then, said Fulvius, it was not because I did not know what you were about to answer, and what to do, that I asked you, when it was evident that it was your object rather to feel than to consult the senate; and if we did not immediately decree to you the province which you wished, you have your appeal at hand. Therefore I demand of you, tribunes of the people, continued he, that though I do not give my opinion which notwithstanding it may be carried, the consul is not about to ratify, you will be my support. Thence a contention arose, when the consul (Scipio) denied that it was proper that the tribunes should interfere, but that every senator being asked his opinion, should give it in his place. The tribunes so decreed, that if the consul leaves it to the senate to determine concerning the provinces, it is proper to stand to that which the senate has determined, nor will we suffer it to be brought before the people. But if he does not leave it to the senate, we shall support him who shall refuse to give his opinion. Thus it was left by the tribunes to Scipio himself, to say whether he would leave it to the senate. Scipio carried his point, but very far from being to the satisfaction of every one; not that they thought him unequal to the trust but that honors were heaped upon him with too great rapidity.

This war with the Carthagenians being finished, and a general about to be chosen for that against Antiochus, whom Hannibal had stirred up against the Romans, it was with great address and management that he procured to himself the command. In fact, he could not in name, as he was not then in the consulship, and so Asia could not be decreed to him as a province. Lucius Cornelius Scipio, his brother, was one of the two consuls at the time. Caius Lælius was the other consul, and having great interest in the senate, wished it to be left to them to designate the provinces, saying it would be a genteeler thing (elegantius) to leave it to the senate than to be drawing lots for the choice. Lucius Scipio, having got a hint from his brother, the great Scipio, agreed to it. It was to the no small astonishment of Lælius, who was sure of being appointed to Asia, which was his choice, that Publius Africanus, as he was then called, declared that if Lucius, his brother, was chosen, he would serve under him as lieutenant.

It could not be resisted, so great was his reputation with the people for his victories over the Carthagenians and Hannibal, whom he was sent once more to encounter. But this did not fail to make Lælius his enemy, and all his connections and particular friends. Besides it was a proof of an ambition that could not be satisfied. For though Lucius had the command nominally, yet it was evident that Publius had the actual command, and it was under that idea, that out of his course he had obtained it. It was, in fact, an evasion of the law, and an invasion of the equal rights of the Roman nobility, all of whom were emulous of glory in their turn.

What wonder that on the return of the Scipios, notwithstanding the war had been successfully terminated, there were accusations against them. That of having embezzled the public money, or converted to their own use the treasure taken from Antiochus, was the charge that was finally fixed upon as the ground of his impeachment before the people. Not, it is to be presumed, that there was anything in the charge, but because it was most likely to be believed, and to affect the accused. For it is not to be inferred from their not appearing to answer the charge that they were guilty, but that seeing the prejudice against them, they despaired of a fair trial. When the day came, having prevailed so far as to get the trial put off, Publius withdrew into exile; Lucius, the younger brother, who had been the highest in command, though but nominally, pretending sickness, did not appear.

Scipio (Africanus) withdrew to Liternum, and nothing more was said about him. There he spent his life without any wish to return to the city; and when dying gave orders that he should be buried there in that very place, that he should not have his funeral in his ungrateful country.

It is a pretty strong presumption against the character of Scipio, that Marcus Portius Cato, the censor, as remarkable for courage as integrity, was his enemy; and during his life, did not cease to inveigh against his ambition, though not until the death of Scipio, did it appear what enemies he had, whose indignation, says the historian, burst out, which had been in some degree concealed before. There must have been a cause for this; and what do we find in his life, but his taking precedence of others, and grasping at command out of season and turn. This will never be borne in a republic, where the human mind has free play to show itself, and talents ought to have a fair chance for office and appointment. It is a robbery to engross as to number, or to usurp prematurely by intrigue, or those arts that take the populace; such as have recourse to these, even though they achieve great actions, have no right to complain of ingratitude from their country, when notwithstanding what they have done, the ways and means begin to be considered by which they usurped the opportunity of doing them, to the injury of other great minds, who might have shown equal talents and accomplished the same things. It is sapping all foundation of republican equality and right, to countenance this. It is very possible that a certain public character, whom I could name, would have made an abler President than Thos. Jefferson. But the Presidency was not intended for him, and it was a fraud upon the electors not instantly to have disclaimed competiton. We have seen in what manner the not having done so, injured his reputation, and in my opinion deservedly. It has prevented him from rising to the elevation of the Presidency, which I am confident in four years he would have attained. But had he attained that elevation at the time he attempted it, and performed even great services, it is not improbable but that the strong indignation of those affected would have followed him; nor would he have good reason to complain of the ingratitude of his country, if they had ultimately wrought him a mischief.

CHAPTER XL.

The Captain sets out. The two judges. Teague takes the place of one, after a sage lecture on the subject of duties.

The Captain being obliged to leave the village, not as heretofore, on a voluntary excursion, but in the character of an exile, was accompanied, as usual, by the bog-trotter, and with several others of the village, who were willing to share his fortunes in some new establishment. Amongst these were the blind lawyer and fiddler, Clonmel, the ballad singer, the Latin school-master, O'Fin, an Irishman, Tom the Tinker, and others; the Captain mounted, the rest, with the exception of the blind lawyer, on foot. They had a pack horse or two to carry provisions and baggage, while each footman had his knapsack or wallet or his back. Thus marshalled, they set out for the far settlements of the west, near the head of the Ohio river.

After two days' travelling, they came to a town, where judges and lawyers continued yet to be tolerated. Nevertheless two judges just before, had been driven from the bench, owing to a fracas that had happened on the bench itself, between them and which took its rise from a difference relative to idiom and dialect of language. The one was a Scotch gentleman, and spoke with the Saxon pronunciation, which is still that of the north of England and the south of Scotland. The other was a native of France, and had acquired the English language after his arrival in this country, some years before.

The Scotch judge found fault with the gallicisms of his French associate, and said he did na' like the accent, and that it was an error to bring it on the bench. That it did na' behoove the French judge to open his mouth to give a charge, especially to a grand jury, wi' sic' a dialec' upon his gab.

The French judge seemed to think that his gallicisms were as good as the other's patois or Scoticisms; and observed that the French language had a footing in the courts and was even the language of the law itself, at a very early period. A great part of the law of the tenure of real property came from the Normans, who were French; that England became almost a French country under William the Conqueror; that the terms de la loi, or law phrases, are vestiges of French to this day—C'estui que use; in pleadings, ne unque accouple en loyal matrimonie; autre fois acquit; tout tems prit; and many others. Are there any vestiges of broad Scotch in the law books?

Aye, quoth the Scotch judge, the law was Saxon before it was French, and it is time that it should come back to the Saxon again. Ye sha' na' deliver a charge on this bench, unless ye adap' your language to the state of society, and speak plain English or Saxon; for they are a' the same thing, an' ha' the same privilege in a' courts of justice.

The French judge began to address the jury, when the

Scotch judge interrupted and called a constable to take him down frae the bench. The consequence was, they came to blows, to the scandal of the administration of justice, and both had to quit the bench. The people were then looking out for other judges; but as they could not agree on any one among themselves, they resolved to take the first stranger who came along. The lot fell on the caravan. The Captain made mention of the blind lawyer whom he had in company, but they were unwilling to have a blind man. They wished to have a perfect judge, or one at least in possession of all his outward senses. He then proposed the bog-trotter; stating that he had been in request for that promotion, before they had set out from the midland country.

The offer was accepted, and Teague was made a judge, and took his seat upon the bench.

The Captain had determined with himself, that he would oppose the advancement of this Teague O'Regan no more, having got so much ill-will by it; but being a prudent conscientious man, he thought it not amiss to put him under the care of the blind lawyer, or for some time to give him instructions for the office, which at least could do him no harm, if it did no good. Accordingly the lawyer took him in tow, and began as follows:

Teague, said he, you are arrived to honor and emolument, which some of your betters have deserved and could not obtain. However, "time and chance happeneth to all men." You are now on the seat of justice, and it remains for you, if possible, to qualify yourself for it. For I take it, you are yet to begin to obtain the requisites for the discharge of that trust. Now I have no idea that you can acquire legal knowledge. That is out of the question. Nor do I think it possible that you can ever attain the first elements of jurisprudence. But this is not absolutely necessary upon the bench, more than at the bar. I have known a judge upon a bench, whom I would not trust with the value of a hob-nail, in a case of mine. It would be a substitute for sense if you could cite cases. But you have not even cases to cite, and call authorities. You must therefore begin a peg lower, and content yourself with the saving appearances, merely personal. Your gait must be steady; your demeanor slow; gravity is a great cover for stupidity; stupidity, indeed, supplies the place of and in most cases gives gravity. But still it is to be cultivated. You must wear spectacles, to make people think you can read. If you do not take notes, yet seem to take them; for it is the fashion of the time to be a great note taker. At least talk of your notes; that will pass for taking them. The Areopagi took no notes, for they sat in the night, and had no candle-light. And justice herself is said to be blind, and can take no notes. But note taking is now the main part of the qualification of a judge; so that if you do not take notes, you must seem to take them. I myself had I been appointed a judge, would have had to scratch a little. But it would not be impossible for you, as you have your eyesight, to learn to write abracadabra tantantarara, and pass them for notes. However if you cannot acquire all excellencies, you can avoid some defects. You can give attention and seem to understand what is said in argument, though it be impossible that you should understand a syllable. It is a great indelicacy for a gentleman to refuse his ear, or to show himself inattentive in private conversation. But in a judge it is intolerable, when you are to decide upon a point which is argued with much earnestness at the bar, and where the counsel expect at least that you will hear them, even if you do not decide in their favor. For when they are heard, and satisfied they are understood, they are disposed to be content. The greatest virtue in a judge, after being a good judge, is to be a good listener. But it is an error of which I hope you will not be capable, to interrupt the argument by matters of your own concern. As for instance, when the advocate is at the pinching point of his reasoning, to call out for the crier to bring you something. You will see the advocate, in such a case, turn and writhe himself, and show in his countenance the irritation that he feels. But he is obliged to resume his oratory and go on, saying your honor, and he would rather say, "cannot you take advantage of a pause to call for what you want?" It is mentioned of Lord Camden, that he was in all respects the most correct of men in his treatment of the bar, save that he would sometimes, in the middle of an argument, stoop down to garter up his stockings.

It is dangerous in a judge to attempt wit, especially if he has none. There are few that have the talent; and it is not every one that knows that he has it not. It will be your best way to attempt nothing of the kind; but preserve gravity and an imposing air of austerity. For as far as I can learn from the Captain, you are not happy at a bon mot. But you must be careful of your mind itself, that it be not rendered vain by being called your honor. If the bar discover that you are weak on this head, they will plaster you with your honor, your honor, and your honor. They will be careful also to say, the "learned judge," and this the more unlearned they think you are; and especially when they mean to impose upon you sophism for argument, and false construction for solid deduction and conclusion. The "learned judge upon the bench;" when at the same time they will be at a loss to say whether they think you or the bench you sit upon, the most destitute of sense and understanding. You must avoid invitations to dine, which is a mode of obtaining favor with a judge; for as to direct attempts to bribe a judge, that is a thing as yet unheard of in this country.

A man that has been behind the scene knows how much must pass for nothing, of all that apparent deference which is paid to the understanding of a judge. For the counsel of delicacy and refined manners, will pay this respect to the office, on a principle of good breeding, and what becomes the profession; others will do the same thing, and perhaps overdo it, from motives of prudence, and to gain a point with the court. There is trick in all trades, and there is craft in the craft, if I may use a pun on this occasion.

But you have never been behind the scene, and have no experience of this play upon travellers, and managing the weaknesses of man. You are but a young judge, and likely to be lifted up with vanity, from your sudden elevation. Because you sit a little higher than the bar and the suitors; for the bench is usually raised a little, you associate your situation with yourself; thence comes arrogance and insult.

"Man, vain man, dress'd in a little brief authority."

But it will be necessary that you maintain order and support authority; because otherwise the court will become a bear garden, and intolerable to the practitioner. Rudeness must be repressed, and petulance overawed. Interruption and bluster cannot be endured. Rules of priority as to the right of motion and order of speaking, must be enforced. In questioning or cross-questioning a witness, the modest and observant advocate must be permitted to proceed without disturbance. All these things, your own good sense, if you have any sense, good or bad, must teach you to consider and apply.

Be me sowl, said the bog-trotter, but I will take de poker to dem, and give dem over de nose wid a shelalah, if dey make any spaches out of deir turn, in my hearing. It was better for dem dey were diggin turf in Lough Swilly. I'll give dem a taste of de same kind of trial dat Paddy give——

That will not do, said the blind lawyer; you must call a constable, and commit for misbehavior. It will be descending from your dignity to take a cowskin or cudgel in your hand; nor does the law warrant it. "All things must be done decently and in order." You can lay your hands upon no man yourself; it must be by your officers that you execute the laws. The sheriff is at hand, the coroner with his rod, or the constable with his staff. These are the ministers of the law in your hands to keep the peace. You can only act by warrant of authority, or what is called a precept. You must not descend from the bench, to join the posse in running after a criminal.

The bog-trotter thought it hard that he could not take a staff from a constable, and share in de fun wid de rest. But he was disposed to submit to the restriction since it seemed to be the practice of the court. He inquired, however, whether it might not be allowable to take a batabuoy to de officer or sarvant of de court, if he did his duty slowly, so as to break de patience of de lawyers, and be waiting for him.

As to this, the lawyer gave him the proper information. And "here endeth the first lesson."

CHAPTER XLI.

Containing a few words for the critic.

It may seem to shock all credibility, that Teague should have a seat upon the bench.

> "Ficta, voluptatis causa sint proxima veris."

This is a maxim of the critic, and founded in the principles of human nature. For a just taste does not relish what is incredible. But why should it be thought incredible, that Teague should be a judge? Or why distrust his capacity, since he had a commission? On the death of attorney Noy, the author of the maxims, we have the following anecdote: Dining with the Chancellor, it was lamented by some that such a loss had happened; what will the king do for an Attorney General?

When the company were gone, said the valet to the Chancellor, why need you be at a loss for an Attorney General? I will be Attorney General.

You Attorney General! Are you fit for Attorney General?

Let the king give me a commission, said the valet, and I will see who will dare say that I am not fit for it.

There is certainly a great deal in a commission, and the possession of power. I was early struck with this, in seeing the respect paid to the opinion of a man made a justice of the peace, when none had been paid before; and yet the commission had but very little increased his law knowledge; or, in fact, had left it just where it was—some degrees below zero.

It may be thought that I mean to undervalue in a judge, the faculty of taking notes. On this head I will explain myself. Certain it is, that the taking notes detracts from the exercise of memory; but much more from the exercise of understanding. The mind is divided, and the act of putting upon paper, detracts something from the operation of putting in the head. The mechanical and intellectual are at variance, and in some degree, however imperceptible, destroy each other. The revolution and opposition of forces, produce a line in a diagonal direction. It is impossible that the man who writes can more than half think. All those relations and combinations of ideas that present themselves, and are managed by him at his ease, when he gives his whole mind, are lost in part or have not justice done them, when they are to be recovered and adjusted, from the partial hints that can, in the meantime be thrown upon paper. A note taker and a thinker, on the bench, might be of use. The thinker to look over the notes and assist himself afterwards. The note taker not to think at all, but to mind his pen. At the bar, it was my way to take in a writer, where I had command of the cause; but it was understood between us, that he was to confine himself to his province for the time being, and neither speak nor think.

In the history of ancient oratory, tribunitial or judicial, do we meet with anything on note taking? In Cicero de Oratore have we anything? Has Quintilian a chapter on the subject? No man can be an orator who dissipates his mind with taking notes. It is a qualification, at the bar or on the bench, extremely subordinate. Nevertheless, I do not mean to exclude it altogether. A skeleton of the cause must be preserved for the sake of a reserved point, a motion for a new trial, or in arrest of judgment. It is that full body of the evidence to which I object. If it is in paper, it wastes the time of the country to copy; and if oral, it turns the judge into a mehanic to take down. It is not necessary for the purposes of justice, to have all that comes out in a cause put upon paper. There is seldom more than a single particular in the testimony of a witness that affects the cause. It is the height of ability to select and take this down. The late Chief Justice, the Governor, had this talent. I have heard the present Chief Justice speak of it with admiration. The present Chief Justice (Shippen) himself possesses it in a high degree; perhaps hits the medium perfectly.

It is in the case of jury trial, that my exception chiefly lies to length of note taking, when the examination of a witness is delayed until the judge or the counsel takes down; and the mind of the judge, carried off from the hearing of the evidence, is not so well prepared to give his charge, which ought to consist of the resulting points of the controversy, and not a summing up of the evidence, for that is supposed to have been done by the counsel, or by the jury in their own minds. But a man that is writing all the time the counsel are speaking, can but half think. But these strictures must be taken "with a grain of salt;" and it is not to be supposed that I would dispense with note taking altogether in the case, especially of the presiding judge. On a motion for a new trial, some detail of the case is necessary for those who have not tried the cause. On an argument upon a law point, where the decision is not immediately to be made, and the notes are taken for the purpose of examination of the books, it is immaterial of what length, because the counsel are not stopped by the impediment of clerkship.

I had forgot to mention in its proper place, that though the people objected to the taking the blind lawyer as a judge, yet they agreed that he might be a clerk, and associate the blind fiddler for his deputy. This arrangement being made, and leaving Teague and the two others, who for the present only encumbered the march through a rough country, and perhaps with Indians in the way, the caravan proceeded on its course.

CHAPTER XLII.

The Quo-hee setl ement. The back-biters, not cannibals, as some authors have asserted.

The settlement in which they now were, was called the back settlement; not because it was the farthest back, but because it had been once the frontier. The name back, still continued to be tacked to it, now when it had become the midland country. The inhabitants of this country had become wits, and improved in manners, from society and intercourse. The females dressed better, because they could better afford it than they had done years before. Their buildings were of stone, or brick, or of sawed timber, framed, instead of round or squared logs laid upon each other, as was the mode at an early period. Nevertheless there was still a defect of judgment in the construction of their houses, for the summer as well as the winter seasons. They were placed, in most cases, as they ought to be, fronting the south; but without perforations or a passage for the air, by means of windows from the west to the east. On the contrary, many of them had what they call wings; and these placed at the east and west ends. The entries were small, and the kitchen placed in a wing at the east or west end of the house. Yet a little thinking on original principles, would say that it ought to be at the northwest of the building, to oppose the storm which comes from that quarter in the winter; and because in the summer it obstructs no breeze in that direction. But it is not lawyers or judges only that are enslaved by precedent. They take care also to build in a valley because it is near a spring head. But in the winter the court yard is muddy, and in the summer they want air.

As they proceeded, the Quo-hee settlement lay upon the left. This settlement takes its name from the Quo-hees, a nation of Indians that inhabited the country, at the first discovery of this part of America. The Munsees and Shawnees have a like termination in the sound of their names, and these are now the remains of nations that inhabit the countries on Lake Erie and the Ohio river. Some fanciful writers, nevertheless, attempt to give a derivation from another source; and think that as this settlement is peopled chiefly with what is called the Scotch Irish, so the name is derived from a phrase amongst them, very common in their familiar discourse; quo' he, quo' she, quo' they, &c. Quo,' they suppose to be an abbreviation of quoth; that is, said he, said she, *&c.* Butler, in his Hudibras, uses the word quoth in this sense:

Quoth he, there is one Sydrophel,
Whom I have cudgelled——

Of this they boast, as a classical authority in their favor. And doubtless, this etymology is strengthened by the names of rivers in this country, such as the Susquehannah, which is a compound of sauce quo' Hannah; the name of a girl calling out for sauce to her meat; and also from the Schuylkill, from skull and kill. For what kills a man sooner than knocking him on the head? But there is great uncertainty in etymology, in deducing the origin of nations. Abarbanel, in his Jewish Antiquities, fully evinces this. Also Spinazoli, in his Asiatic researches, and others. But this is just as plausible and nothing more, with the hypothesis of some who conjecture that the Allegheny mountains took their name from an English woman of the name of Alley; as we say Alley Croker in the ballad. That the Chesapeake was so called from a Welshman who made use of cheese instead of an anchor; so that instead of saying the anchor is a-peak, said the cheese is a-peake; and so fixed a nick-name on the bay. There are some local names of subordinate rivers and smaller streams, in this particular part of the country, that strengthen these conjectures. Aughwic is allied to Aughrim, which is a place in Ireland. We have heard of the Break of Aughrim, a place where the protestants were defeated. Macintanga, Macanoy, is evidently Scotch, from the initial Mac, which signifies son, in the Erse. Juniata is a compound of English and Irish. Johnny is English; but ata, or atoy is Hibernian. I knew one Dennis A'Toy, that used to mow for my father when I was a lad.

On the right hand of the route of the caravan, lay the Fooley settlement. Etymologists and antiquarians are here at war also. African travellers tell us of the Foola country in the neighborhood of the Eitomba or Sierra Leone river. Winterbottom and Walls, late travellers, give a particular description of it. The natives distinguish the year by moons. There is the sweep-brush moon, from the way that wind blows; shunpath moon, from the heat; the shako or harvest moon. The time of day is distinguished by "the sun going into the water," that is evening; "the sun in the bush," that is night, &c. Their epochs are a town burnt, or settlement destroyed.

The burree, or palaver house, is the seat of justice, where all causes, civil or criminal, are decided. The test of innocence is the drinking red water without occasioning a qualm to the stomach. A hot iron applied to the posteriors is also a test; if the culprit does not grunt, he is safe.

The Mandingo country lies north of this, and signifies bookman, because there they read the Alcoran, and have schools. In the Foola country, they have no schools, and cannot read.

Now, there are authors, who derive Fooley from Foola; and think that this settlement must have been peopled by a colony of Africans, and hence derive the name. It is true they have seats of justice, and palaver houses, where the lawyers plead. Jury trials are in use; and in this mode of administering justice it is not the accused that is tortured, but the judge and the jury. This is not by drinking red water, which is a composition of the bark of trees of an emetic quality; but by drinking nothing at all, or eating either, until twelve of them are all of one opinion; which, to render more difficult, the palaverers, the lawyers are allowed to address them a whole day, or longer, previously, on different sides of the question or fact, so as to "perplex and dash their counsels." There are what are called judges also, who preside, and these are allowed to give different opinions on the case. The jurors being puzzled, are ordered off under the care of a constable, with a staff like a weaver's beam, and he is to keep them together without meat or drink, unless with leave of the court, and without speaking to any one until they all become exactly of the same mind.*

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* Somewhat modified in Pennsylvania, of late, by this addition to the oath—"unless discharged by the court." The jury may be traced to the Circassians where it still prevails; the number twelve and unanimity essential to the verdict. In their councils unanimity is requisite. They hold that where all are equal and sovereign, the votes of two, or a hundred, are no better than one; for they are only so many units equal with each other. This would prove that mere majorities is an artificial and not a natural idea. It is an arbitrary exercise of power, but convenient and necessary. The distinction in the principle of power, between the eastern and western nations, is as marked as between day and night. The first is the pure, concentrated despotism of one person, or king; the other is distributed among the many, either individually or among associations or corporations; often so much so, as to be incapble of necessary concentration for practical purposes. Individuality and publicity, are the principles of a republic, while concentration and secrecy are those of monarchy.

Notwithstanding this consimilarity in the manners, and the resemblance in the sound, or speaking of the word Fooley, with that of Foola, I cannot immediately accede to the idea that the inhabitants came from Africa. Because there is no tincture of the African complexion. There are negroes and mulattos amongst them it is true, but the bulk of the inhabitants are of a clear red and white. I take it that the word Fooley is derived from the word fool, which signifies devoid of sense, and was applied to them, being originally a weak people, and still continuing to exhibit marks of simplicity bordering upon folly. Their credulity is amazing, and they are the constant bubble candidates for office. They do not sell themselves as the Foolas; but they sell their votes; or rather give them away at the elections, for whiskey or deceiving speeches, replete with the words liberty and the rights of man. With such words the politician baits his hook for the people, as in monarchies he uses the phrases, sacred majesty, beloved sovereign, &c.

In the course of this day's journey, at the crossing of the roads, the caravan fell in with a company of electioneerers, who were coming from the Fooley settlement, and had a number along, taking them to the election ground, not far distant. They were slapping them upon the shoulder; clapping them upon the back; and saying come along my brave fellow, give us your vote. How are the old people at home? How came you to get that handsome girl for a wife? Is your crop good this year? Come take a dram of this whiskey. How is it that you do not set up for an office, and not be lying at home in the ashes, supping cider, while we are obliged to go to the legislature, and to fill offices, and keep you at your ease doing nothing? You must take your turn next year. This will never do. Fair play is bonny play. It is too much to be always on duty. Somebody must stand forward, or the people will be run down by the lawyers, and the aristocracy, and gentry that wear silk stockings and hair powder. Liberty, equality; equal rights to all; privileges to none; all men are equal. That's the word! Come, give us your vote, and here take a dram!

The Fooleys were all in good humor, exhibiting an abundance of broad grins. Not so in the Foola country on the

Sierra Leone river, where the inhabitants are sold or bought. It is with great reluctance that they go into service; and some tender scenes take place at the parting of parents and children. It is there called slavery. Here it is called supporting liberty; though it is sometimes sapping it, by putting folly into public trust.

The Foolas, on the Sierra Leone, are spoken of by some travellers, as cannibals; but I do not find an agreement upon this head; and the supposition arises, I would presume, from the purra, or state inquisition, which is amongst them, when the bandoo woman denounces a culprit. The purra then, who are state officers, take off the culprit, and he must drink red water, or be subject to hot irons. If he shrinks in the experiment, he is carried away, and never more heard of. But this affords no conclusive evidence that they eat him; any more than amongst the Fooleys in this settlement, who have been represented by some as cannibals, and devouring one another; because in their kuriouks, or churches, they are frequently denounced by their priests as back-biters. This means slanderers, and not that they feed upon the haunches of men like venison. Such are the mistakes of superficial observers, and credulous travellers; whose accounts writers copy, and publish as facts, frequently without due examination.

CHAPTER XLIII.

It is an epoch in a man's life when he puts on breeches. The second is when he goes to school; the third when he gives his vote.[*]

It is an epoch in the life of man when he puts on breeches. The heart of the mother is glad when she sees her son run about in pantaloons. A second era is the going to school. She bids him be a good boy, and learn his book. It is the father's business more especially, or at least the father has then more to do with him, when he puts him to the plough, or to a trade, or a profession. He gives him lessons and instructions of industry and morals.

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[*] This is a short chapter, but every line of it deserves to be written in letters of gold.

But when he comes to be his own man, at the age of twenty-one, and has a right to vote at an election, what a change does his situation undergo! What a right devolves upon him! I may say a trust for the under age, and for posterity. What honor attaches to his right! What delicacy ought to be used in the exercise of it!

In the age of ancient chivalry, when the youth had come to manhood, and was made a knight, it was with matter of ceremony, and his equipment was by the hand of a fair lady buckling on his armor, and inspiring him by her charms and her sentiments, with a heroic sense of honor, and the scorn of all that is false or mean. The chevalier of that day was a conservator of the peace. His prowess was instead of laws. Now the vote of the citizen takes place of the sword of the adventurer. This is at the bottom of all order and subordination. Shall the knight of the golden cross be free from stain in his achievements, and shall a republican prostitute his vote, or dishonor his standing in society, by bestowing it on the unworthy? Shall he give away his suffrage for a fair word, for a dram of liquor, "for a mess of pottage?" It is his birthright. Shall he give his vote but on the principle of conscience and of honor? Shall he decline his duty to present himself at the election? How does he know but that upon his vote may depend the duration of the republic? Who can tell with what particle of air a pestilence begins? And whether it is from a quiescence of that particle that a stagnation of the atmosphere ensues; or from its activity, by gas from the earth, that a hurricane is produced. A vote given wrong, or withheld, may occasion ultimately a convulsion in the commonwealth.

But want of truth, artifice, fraud, meditated fraud in this noblest of functions, the all of sovereignty, in a vote how disgraceful, how criminal! And yet it is not always, or everywhere, that this disgrace begins to be attached to this most flagitious of all knavery. If these strictures shall have the effect to cultivate a sense of honor in our candidates and in our voters, it will be worth while to have written the book.

CHAPTER XLIV.

The Lack-learning settlement. The inhabitants rise to oppose their entrance, from a false rumor of their being men of learning.

They were now entering the Lack-learning settlement, where a great uproar had been made on account of their coming. It had been given out that the company consisted of scholars and lawyers. This, either from mistake, or the design of wags, who liked to see misconception, even though it occasioned mischief. A multitude had got together, with sticks and stones, to obstruct the march into their country.

It was at the opening of a defile they were met, and could proceed no farther. The Captain himself advanced with a flag, and with great difficulty obtained a parley and a conference. Friends and countrymen, said he, what do yo mean? There are no scholars amongst us, save a Latin schoolmaster, who has left off the business, and is going to become an honest man, in a new country. We have no lawyers; not a soul that has ever been in a court, unless indeed as culprits, and to be tried for misdemeanors; and that, I take it, is not likely to give them a strong prejudice in favor of the administration of justice. Here is Tom the Tinker, Will Watlin, Harum Scarum, the duellist, O'Fin, the Irishman, and several others, that have no predilection for scholarship. It will be but little learning they will introduce among you. There is Clonmel, the ballad singer; he can sing and make a ballad, that is, a song for a ballad; but that is but a small matter.

After all, what harm could learning do you, provided that you did not learn yourselves? The bears and the foxes of these woods do not learn; but they do not hinder men to read books. They have no objections to schools or colleges, or courts of justice; because it does not prevent them running into holes, or climbing upon trees. The racoons and squirrels can crack nuts, maugre all our education and refinement. "Every man in his humor," is the title of one of Ben Johnston's comedies. If you do not find your account, or your amusement in literary studies, what matters it if others do? Learning is not a thing that will grow upon you all at once. It is a generous enemy; like a rattle-snake, it gives warning. The boy feels the birch on his bottom, to make him learned. The man gets a headache, poring over books. In fact, it requires some resolution and much perseverance to become learned. I acknowledge that men were at first like beasts of the wood, and the fowls of the air, without grammars or dictionaries; and it took a great deal to bring them out of that state, and give them what is called education, At the revival of letters in Europe, after the dark ages, it was thought a great matter to get to be a scholar. Peculiar privileges were attached. Hence what is called the "benefit of clergy."

Te clerchy, said an honest German; te clerchy is te pickest rokes from de two. An honest Sherman minister as knows nottin is petter as tem. Te lawyers is worser as te tyvil, mit tare pooks, and sheets te beeples for te money. Larning is gute for nix, als to make rokes. It is all a gontrive to sheet te beeples.

The demagogues amongst the multitude, who had excited this opposition to learning and the learned, was a shrewd fellow, and it was not that he was not sensible of the advantages of learning, but because he was a sciolist himself, and did not wish to lose his influence by the competition of a lawyer, or a scholar, that he had excited this prejudice. According to the old saying, "in the kingdom of the blind one-eyed people are sovereigns." But discovering that among this company, as the Captian said, and which he could guess from the manners and the countenance, there were no literati, or what the French call savans, coming forward to to take a degree of the meridian, or explore antiquities; much less a corps of lawyers to establish codes of jurisprudence, or introduce litigation, he explained the matter to those around him, and reconciled them to the proposition of suffering them to pass through the country. The Captain expressed his sense of the courtesy and opportune assistance, towards the object of their progression; and making him a present of half a gross of jews-harps for the young people, procceded without further molestation.

CHAPTER XLV.

Which contains "a bone to gnaw," for the demagogues.

The demagogue of all times and countries, uses the same arts. The laws are a standing butt of his invective. He cannot be a sage or a legislator; and therefore must find fault with those that are. The Athenian, Cleon, in his harrangues, as given by Thucydides, is a perfect model of a demagogue. I have not the book by me, or I would copy one to give a specimen of his art. The oppression of the laws, and the inequality of justice to the poor, are the usual themes of his declamation. But where there are laws, there will be science; and science is the support of laws. Hence the hostility against these at the same time. Even in the most savage state, that nearest to nature, where brute strength or cunning prevails, there must be inequality. Can any artificial order in society procure a possible state of perfect equality in everything? It is impossible. Can there be equality of property even? One division must follow another. The cry will still be, divide, divide, until all shall be equal in poverty and wretchedness; for there will be no individual industry. But now is the time for men to be gathered in gregarious associations, or Jesuit missions; and will there be no prophet, like Rapp, or other religious impostor, to overtop the rest, and give the lie to equality? There is but one place where there is equality—that is in *the grave.*

The passion of the time changes, like the fashions of dress. It is just the same principle that introduces the square toe in place of the sharp; that also makes it the rage to be a scholar, or to be illiterate. But the change in the one case is not so much felt as in the other. It is not attended with such extensive consequences. "Of making many books there is no end, and much study is a weariness of the flesh." This is the language of a man that had been a great scholar and writer; because in his experience it had not given perfect happiness, as nothing will, he speaks in these terms. It is not meant to be taken precisely as spoken; and is no more than an expression of the inanity of the noblest of all enjoyments—the mental gratification of making or reading a book.

I therefore think the Lack-learning people had been misled in their prejudice against a literary education. At least, it is my simple way of thinking, and I may be wrong. Admitting this, I shall go on with my story.

CHAPTER XLVI.

The Mad-cap settlement. Harum Scarum challenges the beasts of the forest. The Captain as a military man. The Mad-caps are quieted by a ballad from Clonmel. The democrats.

Provisions had begun to fail; and though they had a fire-arm or two in company, with a little amunition, yet nothing had presented itself in these woods to take down and barbecue, and they did not deem it prudent to detach one of the party as a hunter, it being safer to keep together on the trail or road. Harum Scarum was the commissary; but he could devise no ways and means of supplying food, unless by sending a challenge to the game, and calling them out to a duel, where they might be shot at pleasure.

It was thought absurd to suppose that deer or buffaloe, or even a wild-cat or oppossum, would stand upon a point of honor, and come out of the woods at a card, in the manner of men piqued upon their courage.

Why not? said Harum Scarum; do not men come out and stand up to be shot at, like a post, without stirring? Have not men more sense than beasts? At least they have more learning, and boast of their education. I can bring a fellow out to me almost at a wink; and shall I be at a loss with a brute beast, who has not half the prudence, though it may have the same self-love, and principle of self-preservation,

You may try it, said the Captain. I shall wonder a little if the event "corresponds with the intention."

Harum Scarum, having made out his challenge, made choice of Will Watlin for his second, to bear the cards, and disperse them in the forest.

No answer came, and no bear or panther appeared, or came upon the ground.

The next thing was to post them; which he did, and put up billets upon trees. They were to this effect:

"Take notice, that I Harum Scarum, gentleman, do hereby post and publish the beasts of these woods, to be scoundrels, liars, and cowards, of which let all men take notice; that no man of honor may keep company with them, but consider them as poltroons and rascals."

This was what is called the Mad-cap settlement, the inhabitants being of an irritable disposition and apt to take offence. Accordingly seeing those upon trees, as they were looking for their cattle in the wood, they were put into great passion. Sundry of them had fallen in with stragglers of the company, gathering roots and berries, or looking for a shot, and had come to high words, under a mutual misunderstanding of the circumstance which gave offence. Collecting a party at a pass, the Mad-caps had come forward, and determined to give battle. The Captain saw the necssity of some active measures on his part, and collecting his men, began to form. He had with him the player on the bag-pipes, and Tom the Tinker, who turned a piece of tin into a kettle drum, and beat on it the rogues march, which was the only point of war that he could beat. Will Watlin had a saplin of hickory, and O'Fin his flail, which he had brought along with him, not knowing but he might get a job of threshing by the way.

He had now got a job, it is true; but not of the same kind hat he meant—wheat at six-pence a bushel—but people's brains to beat out, or their bones to break; a thing as unprofitable as it is unlawful. The Captain being a military man, was thinking of the science and manœuvres put in practice by the ancient and modern commanders, by which they had gained battles. He deliberated whether to advance in a single column, until within a certain distance, and then halt with the head, while the rear wheeled round and struck like a serpent with its tail, in the manner Epimanondas gained the battle of Leuctra. Or whether he should imitate Hannibal at—I forget at what battle, with the Romans, and oppose a semi-circle, with a convex to the enemy; and which yielding in the centre, changed to a crescent, and received the adversary in its horns, which encompassing the flanks, cut them to pieces; or whether he should pierce the enemies centre by successive masses, thus cutting him in two and destroying each part separately He was debating with himself whether he should advance to a certain height, or rely upon an ambuscade among the bushes in the plain, when, in the meantime, Clonmel the ballad singer struck up a song in the centre, and the Mad-caps began to listen; and though they had as many arms as a learned lawyer puts in his declaration, "swords, staves and knives," they dropped them all, and seemed to return to good humor.

The song of Clonmel was as follows:

What use is in fighting, and gouging and biting,
Far better to let it alone;
For kicking and cuffing, and boxing and buffing,
It makes the flesh ache, and the bone.

But give me the whiskey, it makes one so frisky,
But beating and bruising make sore;
Come shake hands, my cronies, come near my dear honies,
And think of your grudges no more.

We are a set of poor fellows, just escaped from the gallows,
And hunting a wolf or a bear;
And what with a tail on, except the camelion,
Can live upon fog, or the air?

Some venison haunches, to fill up our paunches,
Come see if you cannot produce;

A barbecued pig, a nice mutton leg,
Or turkey, or bit of a goose.

We have store of good liquor, so bring something quicker
And club your potatoes and yams;
We'll make a great feast, and turn all to a jest,
So away with your frowns and your damns.

There is nohting like love, which comes from above,
And tickles the youngsters below;
It is vain man's own fault, that he so brews his malt,
As ever to cry out heigh-ho.

Alexander, and Cæsar, and Nebuchadnezzar,
Found out to their cost this was true;
Now who will be fools to drink at the pools
Of ambition and war, we or you?

The Mad-caps were settled like a hive of bees, and coming forward, began to gather in a cluster round the ballad singer. Some took him by the hand, others asked for the keg of whiskey, and in a short time amity was established, and they were all as well acquainted as if they had been together seven years. Some of them knew Tom the Tinker, having served under him in the western insurrection. Stores of provisions were in in a short time brought in, and forage for the Captain's horse. and the blind mare. Having refreshed themselves with rest, a day or two, maintaining still a good understanding with the Mad-caps, and mixing occasionally with hunting parties that shot squirrels and racoons, who declined to accept challenges, and fight upon equal terms, they began to think of the object of their emigration. Orders were given to put the troops in motion; and taking up the line of march; the cavalry in front, they set out, and passing through the Mad-cap country, no interruption happened, until they began to enter that of the Democrats.

This is a settlement contiguous to the Mad-caps. The inhabitants are a very happy people, no demagogues having yet arisen among them, to propel to licentiousness, as for instance to propose agrarian laws or an equality of goods and chattels: or to excite them to contention amongst themselves, or to war with foreign powers, in order that they may acquire military renown, grow rich on government contracts, or obtain power and importance by their oratory. Such had not yet begun to call out against laws and the administration of justice; sciolists and young persons, too indolent to acquire solid knowledge, declaiming against rules, the policy of which they do not comprehend; affecting to discuss points in their lucubrations of elementary jurisprudence, as to form or substance of which they are as incapable as half a tradesman at any other profession, could be of pointing out the excellencies or defects of an improvement on the tools, or machines in use. It takes a great general to improve tactics; not a half year soldier just taken from a drill-sergeant. Yet such are the most presumptuous, and never are convinced of their incapacity, until experiment forms the rejection. But in the meantime, the democratic character is levelled, and incurs the imputation of being unfit for government, on sound and stable principles, equally remote from a shameless disregard of public faith, on one side, and false or visionary philosophy and fanaticism, on the other.

The state of Democracy much resembled that of the Achæan commonwealth; not so much in the form of the constitution as the principles of the government, and the virtues of the people. I shall take the description of it from Polybius. It is contained in the eulogium which he makes, in the course of his history, upon this people.

"From whence, then, has it happened," says he, "that not the people of these countries only, but all the rest of the inhabitants of Peloponessus, are so well pleased to receive, not only their laws, and form of government, but their very names also, from the Achæans? In my judgment the cause is nothing else than equality and liberty; in a word, that democratic species of government, which is found more just and perfect in its kind, among the Achæans than in any other state. This republic was at first composed of a small part only of the inhabitants of the Peloponesus, who voluntarily associated themselves into one body; but a greater number soon joined themselves to them, induced to it by persuasion and the manifest advantage of such a union. And some, as opportunities arose, were forced into the confederacy. But they were satisfied with the violence, by which they had been compelled to embrace so excellent a form of government. For the new citizens were sufferd to enjoy all the rights and privileges that were permitted to the old. everything was equal among them all. Thus employing the means that were of all things the most effectual for their purpose, equity and gentleness, they soon arrived at the point which they had in view."

By this *equality* we are to understand as to *rights*. No one, at that day, ever conceived the visionary idea, of perfect equality of *conditions*, so as to have no poor, and no rich; no wise, and no foolish; no weak, or no strong; but all alike.

„When the Thebans, after the great and unexampled victory which they obtained against the Lacedemonians, in the battle of Leuctra, began, with the surprise of all, to lay claim to the sovererеignty of Greece, various troubles and contentions arose among the people of the country, and especially between the two contending parties; for one refused to submit as conquered, while the other persisted to claim the victory. In these circumstances, they at last agreed to yield all the points that were in dispute between them, to the sole judgment and decision of the Achæans. Nor was this preference obtained by any superiority of thought or power, for they were at that time the least of all the states of Greece; but was confessedly bestowed upon that integrity and love of virtue, by which they became distinguished above all other people."

This is the real character of democracy; and who, in this view of the character, would be unwilling to be called a democrat? Yet there have been revolutions in the public mind, with respect to the honorary, or disreputable nature of this appellation. It will be recollected, that after the adoption of what is called the funding system, by the administration of the federal government, societies were instituted under the denomination of democratic societies.* It was the intemperance of some of these bodies which caused them to be discontinued. Prudent men and patriots were willing to avoid a name which had incurred disreputation from the excesses of those attached to it.

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* About the years 91-2-3.

But the errors of the federal administration, or at least measures thought to be errors, having overthrown that administration, the name, before buried, began to obtain resuscitation, and to be able to show its head in a new existence, and with fresh honors, instead of insult and degradation. The term democrat has ceased to be a stigma, and begins to be assumed by our public writers, and claimed by our patriots, as characteristic of a good citizen. That of republican, which alone had been ventured on for some time, is now considered cold and equivocal, and has given way, pretty generaly, to that of democratic republican. In a short time it will be simply, the democracy and democrat.

But how long will this be so in the United States, or in these states? Its duration will be in proportion to the wisdom and virtue of the people. It is He alone, "who gathereth the winds in his fists," that can calculate the revolutions that depend upon the temper and the passions of men.

END OF VOL. III.

MODERN CHIVALRY.

OR SEQUEL TO THE

ADVENTURES OF CAPTAIN FARRAGO,

AND

TEAGUE O'REGAN.

BY

H. H. BRACKENRIDGE.

Quidquid agunt homines——
Farrago. JUV.
Ridentum dicere verum quid vetat?—HORACE.
"Man's averse to all the truth he hears."—CREECH.

REVISED AND CORRECTED, AND WITH NOTES,

BY H. M. BRACKENRIDGE.

Part Second, Vol. Fourth.

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PREFACE TO FOURTH VOLUME.

THE proof, both of the 3d and 4th Vols. of the Sequel, or second part of this work, having been sent by mail, by the printer to the editor, some typographical errors were unavoidable; such for instance, as that on the first page, where the word *primitive*, instead of *primary*, assemblages, occurs, and on the 14th page, where an accidental transposition of a sentence renders the author's meaning obscure. Other mistakes occur, which the reader's own judgment will correct, and thus dispense with the least ornamental part of a book—a table of errata.

The author continues the subject of the 3d Vol. the follies and extravagance of the multitude, which too often prevail for a time, even in this enlightened republic. It is the rank growth of a free soil, which proves its worth, while it shows that there is work for the satirist, and the moralist. Freedom is a hardy plant, and will bear much pruning, for the benefit of the tree as well as of the fruit. This the author endeavored to execute in a vein of pleasantry; and where he speaks seriously, it is to display his love of free democratic institutions, in spite of their imperfections,—

imperfections, for the greater part, incident to human nature. His laughing mode of instruction, continually reminds us of the Athenian sage, as he is represented by Zenophon.

The editor, in his task of revision, has taken some liberties with *occasional phrases*, rather strong for the present more refined taste of the public. It must be recollected, that the work properly belongs to the era of Fielding, Smollet, and Stern, who had no hesitation in "calling a spade, a spade," as suited their humor. He has also condensed some passages which partook too much of the essay form. It must also be born in mind, that the author retained the frame work of the story, merely as a suitable repository for his opinions on different subjects, and did not so much indulge in that broad humor, which rendered the first part, one of the most popular works ever published in America. The transparency and ease displayed in the style, has been the subject of universal admiration. The Westminster Review, has pronounced a high eulogium on this work, as well as on Trumbull's M'Fingal, the only genuine Hudibrastic ever written after Butler. The author of "Modern Chivalry," is styled "the American Cervantes," although no servile imitation; but in profound observation, in fertility of imagination, in sparkling wit, and felicity of expression, his work stands unrivaled in this country. But it will not be fully appreciated, until republished in England—distance will do for it, that which time alone can do, in the country where it was produced.

MODERN CHIVALRY.

VOL. IV.

CHAPTER I.

Which treats of Democracy, of Suffrage, or the Right to Vote, and some other matters.

We call our government a democracy, because in form and in spirit it approaches nearer to it than to any other. Yet, except in our town meetings, and primitive assemblies, it exists no where in its simple form, but by representation. Still the people are the source of all power, whether directly or in, directly exercised; we therefore call it a democracy, and may take the description of one from a speech put into the mouth of Pericles by Thucydides. It is to the Athenian people. "This our government is called a democracy, because, in the administration, it hath respect, not to a few, but to the multitude; a democracy; wherein, though there be an equality amongst all men, in point of law, for their private controversies; yet in confering of dignities one man is preferred before another to a public charge; and that, according to the reputation, not of his power, but of his virtue; and is not put back through the poverty, or the obscurity of his person, as long as he can do service to the commonwealth. And we live not only free in the administration of the state;

but also, one with another, void of jealousy towards each other in our daily course of life; not offended at any man for following his own humour, nor casting on any man censure or sour looks, which though they be no punishment, yet they *grieve;* so that conversing one with another, for the private, without offence, we stand chiefly in fear to transgress against the public; and are able always to be obedient to those that govern, and to the laws; and principally to such laws, as are written for punishment against injury; and such unwritten as bring undeniable shame to the transgressor."

This definition or description of a practical democracy, is drawn from real life. It is in the mouth of Pericles, a man of business; a sapient statesman; who had been bred and born in a democracy, versed in its affairs, and knew its errors, and its excellencies. One thing is remarkable, that a particular excellence which he notices, is the freedom of opinion. Where a government is founded in opinion, it is of the essence of its preservation, that opinion be free. It is not enough that no inquisition exists; that no lettre de cachet can issue; but that no man shall attempt *to frown* another out of his exercise of private judgment. Is it democracy to denounce a man in a paper, because he thinks differently on a measure of government from the editor? It is tyranny; and the man who can do this without reason, or moderation, is a tyrant, and would suppress the right of private judgment, if he had the power. I distinguish between stricture and abuse. All depends upon the manner and the toleration. A man is not always a deserter from just politics, because he cannot agree with me in opinion, on a particular subject. Mutual toleration and forbearance in our sentiments, with regard to the legality, or expedience of measures, is the soul of democracy. It is that which distinguishes it from despotism, as polite manners, the fine gentleman in polished life; in civilized society. In a despotic country, it is the boot, or the thumb screw, or the cord, that brings a man to reason; at least the wheel and the pulleys are used for this purpose.

What better in a republic where a man is this day a patriot, and the next day a traitor, at the whim of him who bestows the appellation? In the livid dens of despotism, state prisons are the seminaries of submissive citizens. In a democracy, shall terror issue from lamp-black, and patriotism be put down, under the name of opposition? When a man frowns upon me because I have dissented from him in opinion, on a political matter, I discover clearly the grade of his political standing, and democratic improvement. He is no democrat, say I; as another would say, he is no gentleman.

But there is no doubt that the great secret of governing men, is employment—they must be amused—saved from *ennui*—and to this nothing contributes more than frequent elections, political discussions, and the subdivisions of government, affording occupation, and creating interest in the public mind.

But it will be said, are not your democrats all noisy, vociferous, intolerant, and of a persecuting spirit? I say such are not democrats; they are spurious, and usurp the name. In a government founded on opinion, nothing ought to be a reproach, that is the exercise of private judgment. It is subversive of the essence of liberty. A frown is the shadow of force, and he that uses the one would have recourse to the other.

These observations allude to what is practical in democracy, and cannot be established or prohibited by the laws; but constitute the manners which a democratic government inculcates, and is calculated to produce; and it will be observable, that there is a great deal of this among the body of the people, who have been accustomed to liberty. It is chiefly amongst the young in *the world*, or young *in the country*, that the contrary spirit shows itself. I am amongst those who carry my ideas in favour of the naturalization of foreigners, perhaps too far. But I admit, that it takes some time to give them correct ideas of the limits of liberty. It is, I believe, a saying of the Grand Pensionary, De Wit, of Holland, that "it takes a man half an age to enjoy liberty, before he can know how to use it." Nevertheless, I cannot see the inexpediency of admitting to a vote the emigrant that comes amongst us, the first day he presents himself. He will be instructed by those that have been here before him, he must take his ticket from some one. Is the ocean afraid of the rivers? Even when they come turbid with the swell of the mountains? The sea clarifies, or they are lost in it. Who complains out at sea, of a spring flood muddying the waters? This ought to be a lesson, at the same time, to emigrants, that they "use their liberty, so as not abusing it." It is a strange thing to see a man come in the other day undertake to set all right; and to denounce men of age and high standing, as guilty of defection. But what good is there in this world without an alloy of evil? What exercise of right without abuse? If I am wrong, it is the excess of liberality.

I find another principle in the oration of Pericles, in the justness of which I am more confident. That is *the equal right of office to all the citizens.* The right of all is equal, but the prize is to the swift, not to the slow, or the sluggard. As the greater contains the less, this involves the right of vote. The only *qualification* of which I can have any idea, as justifiable, is that of age; and should have no objection to see this restricted to a greater age than that of 21,—say 45 years. At this time men cease to be fit for the militia, or other ministerial services. Let them then become legislators; and have the right to vote in *making laws, or choosing those that represent in making them.* This would take off a great deal of wild fire in our elections, and it would keep away vain young men from our public councils.

What absurdity does not the idea of a qualification of property involve! It unhinges the ideas of the ancient republicans; that it was honourable to have enriched the republic, and to remain poor themselves. To be wise a man must be rich. No, but to be honest, he must have an estate. But in getting this estate, he may have been dishonest. In general, he must, in some measure, have neglected the improvement of the mind. At least, it does not follow, that in proportion as a man is poor, he is not to be trusted. They are frequently the most generous souls who have amassed little wealth; on the contrary, the most ignoble, who have acquired great property. The man that has set his *heart* on riches, is lost to benevolence, and public spirit. In the possession of office, he is thinking of what can be made by it. I have no words to express my contempt of the man whose very soul is set on money for its own sake,—who regards its acquisition as the end, and not as the means. "Nothing can be great," says the critic Longinus, or the stoic philosopher Epictetes, I forget which, "*the contempt of which is great. It is great to despise riches. These cannot therefore be great.*"

But how can we measure the value of property, and fix the criterion? Shall it be real property, a freehold? Is my acre worth more than yours? Shall I have but an equal right? What are the drawbacks upon my estate? My debts and liabilities? It is the surplus that makes my property, even in the case of the substantial fund of freehold. But property is not the only stake. Person and character are stakes. Every man that has a head or heart, has a stake. There is no proportioning it. In what is impracticable we can have no election. It is therefore an excellent principle of our constitution, that all men have an equal right of suffrage, and an equal right of office, with the simple requisites of age residence, and taxation.

I should not like to live in a republic where a man must be worth so much, to have equal rights; even could it be ascertained what I am worth, which, as I have said, is impracticable. How many men have I passed in life, less industrious then myself, and yet richer. They have had better luck, as we express it; or they have been more selfish, and kept what they got. Can a man that is looking at the stars, mind what is under his feet? We read of most of the great statesmen of antiquity, and various heroes that they were poor. It is no uncommon thing to find it added, that they themselves were buried, or there children educated at the public expense. The love of science ; and the love of the public, is at variance with attention to private emolument. Shall it then be disreputable in a republic to be poor? Shall it operate as a crime and disqualify from the noblest function in society, the enacting laws?

In countries where the government is a fraud upon the people—and the right of suffrage, where it even partially exists, is but a name, it may be thought innocent to deceive, and to slur our votes. In all governments, unless our republic forms an exception, and even in that of Turkey or Russia, supposed to be pure despotisms, there is "a power behind the throne greater than the throne." Is not this a fraud upon the people? I am not sure that we have been always exempt from this kind of fraud. For it is a buying and selling throughout. The candidate buys the vote, and has in the mean time sold himself. He is oftentimes purchased, and paid in advance, and bribes with a part of the money that he gets. Not so in this heaven of liberty, where other stars glitter, where other suns and moons arise; this beautiful world of liberty, in these states. Perdition on the man that saps its foundation with intention; forgiveness, but reformation of error, to him who destroys it by mistake. And yet these last are more to be dreaded than the former. At least as much; because the error of opinion is equally fatal, though originating from a different principle of the mind, and oftentimes founded in virtue.

What man can set the world right? The greatest self-denial is obliged to yield sometimes to personal considerations. Hence it is, that I have often been silent when I saw fraud, and unfairness before my eyes. Fraud in elections, is at the root of all wickedness in the government of a republic; and what greater frauds than lies and forged writings on the eve of an election, when too late to expose them? And yet this infamous practice is not uncommon. A man of just pride would scorn the meanness of succeeding by a trick; a man of proper sense would know, that in the nature of things, no good can come of elevation obtained by such means. Success by fraud will never prosper. All men despise cheating at cards, or other games. He is turned out of company that is found guilty of it. And shall we restrain our indignation, or can we withhold our contempt when an individual is found cheating, not at a game of chance or skill amongst idle men, but in the serious business of real life, and the disposition of our lives, characters, and fortunes? I pledge myself no democrat is guilty of this; at least those guilty of it are not *democrats*. They are not true brothers; real masons. They have been made at a false lodge; and will not be acknowledged. Thus it must be seen, I found democracy in virtue; that is, in truth, honour, justice, integrity, reason, moderation; civility, but firmness and fortitude in the support of right; quarter to error of opinion, and aberrations of the heart; but death to ambition, and the vain desire of honour, without just pretensions; and death to all knavery, and meditated hostility to the rights of men.

Digressing a little, or rather returning to what I have said on the first point, the right of naturalization, I admit that emigrants, come when they will, are likely to join the party hostile to existing institutions. This depends upon natural principles. The governments of Europe are most of them oppressive, and it is oppression that drives, in most instances, the inhabitant from amongst them. The poor, or the most enterprising, are those that emigrate. Their feelings are apt to be at war with those in better circumstances, looking upon them as natural enemies, and they bring those feelings with them into a country where almost every man has been the maker of his own fortune. They have been in the habit of thinking of a reform in the state of things in that country from which they come; it is natural for them to think that a little touch of their hand may be still necessary here. Did you ever know a new physician call in, that would not be disposed to alter the prescription, or add to it? What occasion for him, if there was not something to be added, or retrenchment made? Or how can he show himself, but in changing the medicines, or the regimen? Extremes beget extremes in opinions, as well as in conduct. The extreme of government, where he has been, leads to licentiousness in his ideas of liberty, now where he is.

Besides, it is in this revolution of administration, if he is an ambitious man, that he finds his best chance of ascending. He is, therefore, a demagogue before he becomes a patriot. I acquiesce, therefore, in the policy of our constitution, and our laws, which prescribe a kind of mental quarantine to the foreigner, though I incline to the generosity of those who think it unnecessary, and that such a great body of people have nothing to fear from the annual influx of a few characters, that may for some time, carry with them more sail than ballast. We had half Europe with us, in our revolution. We had all Ireland, the officers of government excepted, and even some of these. I therefore do not like to see an Irishman obliged to perform a quarantine of the intellect. I think it contributes to sour his temper and to fix a prejudice against the administration, under which the limitation has been introduced.* However, this may be more splendid in theory than safe in experience, and I submit to the policy that has been adopted until the constituted authorities shall think proper to regulate it otherwise. In the mean time, if this book should be read by any foreigner of high parts and spirit, I would recommend it to him to suspend his judgment upon men and things, until he has examined well the ground upon which he stands; to repress ambition and the desire of office, until unsought, it comes to him, during which time, he may have become qualified to discharge it; and will have had an opportunity of finding out what he will finally discover, *that the best men are the most moderate.*

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* There is one unfortunate circumstance with the Irish Catholic in respect of our democratic institutions. He is attached to a foreign hierarchy, possessing great temporal influence, whose clergy look to their church as their country and their spiritual head, or their chief in all things. This objection would not exist if they were independent, and had a Bishop or head resident in America, free from all foreign control; and if those Bishops were elected by the members of the church throughout this republic.

Intemperance of mind or manner, in a foreigner, gives colour to the imputation that all are incendiaries. It becomes, therefore, a matter of discretion and just prudence on his part, to be cautious in coming forward to take a lead in politics, until he has well examined the field of controversy. But because foreigners may abuse the privilege, I would not exclude them by a law, did the matter rest on first principles. I should think myself justifiable in excluding from my society, and the government I had formed, the inhabitants of another planet, could they come from thence; because I do not know the kind of nature they are of; but men of this earth, of similar forms and of like passions with ourselves, what have I to fear from them? What right have we to exclude them? We are not born for ourselves; nor did we achieve the revolution for ourselves only. We fought the cause of all mankind, and the good and great of all mankind wished well to us in the contest. With what anxiety did we look to Europe for assistance. We derived assistance even from the good will of nations.—It is an advantage to have a popular cause in a war. Have we a right to shut ourselves up in our shell, and call the society we have formed our own exclusively? Suppose we had a right to the government exclusively, have we a right to the soil? Have we an exclusive right, as citizens of the world, to the vast unappropriated expanse of land, called government property? It is ours, it is true, and subject to our management, but should also be open to all our fellow-men, who have no land, and should be placed as early as possible within their reach, so that they obtain it on the most reasonable terms, by grants or purchases. The emigrant ought not to be excluded, as the roving hunter attempted to exclude us from what we now occupy. At the same time I am no lawless agrarian, to take the fruit of his industry from one, to give it perhaps, to the thoughtless and worthless. This would be theft and robbery, and would be held in light estimation, like other things so acquired.

CHAPTER II.

The party approaches the back settlement—Harum Scarum is sent with a talk. The new settler.

They now began to approach the farthest settlement. This bordering on the Indian country, the inhabitants were presumed to be half savages, at least in the half savage state. It was thought proper, therefore, to approach them with a *talk*. Accordingly Harum Scarum was chosen for that purpose; and taking a saddle girth for a belt of wampum he set out for the frontier.

Passing through a wood, he heard the scream of a panther, and advancing, saw it on a tree. Taking this for a back woodsman, or half Indian, he accosted him in the vernacular idiom of a savage, which he had learned, from the Indian treaties in the newspapers. "Brother," said he, "do you want whiskey? We have a little in our keg at the camp. We have come here to bury the hatchet. It is two moons since we have been traveling. Our squaws are all at home with their papooses. Have you got a little killicaneeque, that we may smoke the calumet of peace; brighten up the chain of friendship, and sit round our council fires? Our young men are behind with their tomahawks. But the great spirit has taken the flints from their guns and they come to shake hands, and set their traps on these waters."

At that instant a settler on the other side of the wood, shot the panther, which Harum Scarum observing, ran into help off with the hide, and became acquainted with the marksman. This was an introduction, and no farther was necessary. He took the skinning to be *scalping*, and that it was one savage that had shot another, and as is the way of the world, he determined to take part with the conqueror. Assisting to flay the beast that was lately his brother, he learned the news of the county town, of the new settlement, and gave account of the Captain, and his new comers, and brought the huntsman along, to taste their whiskey, and conduct them to the village.

It may seem strange that we hear nothing of Martin, the Latin school-master, all this time; but the fact is, that coming through the lack-learning settlement, they had gagged him, to keep him from speaking Greek, and his mouth was sore for a long time after, so that he could not even speak Latin; but as soon as he got into the village, he began to ejaculate.

In nova fert animus, mutatas dicere formas—
Italiam fato profugus Lavinaque venit—
Nos patriam fugimus: Tu Tityre lentus in umbra—

There were several Indian traders in the town, who understood Delaware, Shawnee, Munsy, and Mingo, but they took this for Chippewaw, or as they pronounce it, Jibway, but having no knowledge of Latin, gave him, however, some boiled corn with bears oil in it, and threw him a skin to lie down upon.—Closing his mouth, with

"Odi profanum vulgus, et arceo."

He fell asleep.

The first thing a settler does, when he goes to the new country, is to look out for a spring. Hard by, he builds a cabin, of the stocks of trees, laid at right angles, and forming a square or parallelogram. A stone serves for a back-wall, and an aperture over it to give vent to the smoke.

The settler brings with him few implements of husbandry, because he is poor, and has them not to bring; or the carriage is not in his power, from the want of draught cattle. An axe, a mattock, a corn-hoe without a handle, perhaps plough irons, an auger, and a saw.

His household furniture is a pot, a frying-pan, a kettle, and sometimes a gridiron. A few blankets, and a bed-tick to fill with oak leaves, is a luxury.

A cow to give milk, is almost indispensable; and the rifle, with a little ammunition sparingly used, supplies flesh for the family. He must occasionally take a turn to the settlement to get a bag of flour, and a quart or two of salt.

His horses, if he has any, range in the woods; and a good deal of time is spent in looking them up, when wanted for service.

A breeding sow is an admirable acquisition, big with pigs. —If he can bring one with him, which is most generally accomplished, he has soon a herd of them, living on the wild pea vine, that supercedes the casual supply of hunting, and covers the sides of the chimney with hams, just at hand to cut off and broil.

It is of great advantage to the settler to be able to handle a tool, and to lay a stone. It would be advisable, therefore in a father who means to send out his son, when grown up, to the new country, to put him some time to a carpenter, and to a stone mason. His own smithery he cannot well do, as an anvil, a pair of bellows, &c. are heavy to be carried; but the greatest drawback is, that he cannot resist the solicitations of his neighbours to assist them occasionally, and this takes him from the main branch of his improvement and cultivation.

The settlement is usually begun in this manner, and carried on by poor, honest, and industrious people. The town on the other hand, at the commencement, is usually a nest of adventurers, that have more wit than money, and more experience than industry.

A tavern-keeper or publican, that passes for a *republican*, to get custom; a horse jockey, a store-keeper, and a young lawyer, are the first that you find domiciliated in this metropolis.

The young lawyer, that had got to this place, was half starved, either because there was no other to help him to breed suits; or, which is most probable, because the state of society had not yet so emproved, as to draw with it the inevitable consequence of valuable, and individual property, litigation, and law suits. The small controversies that had yet arisen, were determined by arbitration. These related chiefly to occupancy, and the rights of settlement; or contracts, as simple as the subjects of them, and involving no intricacy. But the inhabitants, either from the love of novelty, or finding the system of arbitration inadequate to the administration of justice, began to wish to have fixed principles and permanent tribunals, to govern and guard life, reputation, and property.

Not many months after the Captain had fixed himself in this almost wilderness of the far west, and began to exercise that kind of authority, which is instinctively yielded to superior intellect and character, and which is necessary in every state of society, there were meetings on this subject, and it was proposed to have a code of laws, a court and advocates, as in other settlements.

Is it possible, said the Captain, being in the habit of speaking his mind freely. In the mid-land settlements, they are going to burn the lawyers, as they did the witches in New England; and as to judges, it is as much as a man's life is worth to resemble one; either* in the brogue of his tongue, or the cut of his jib, I mean his hat! or coat that he wears; such is the odium under which that profession, or corps of men labour. Arbitration is in every body's mouth, and down with the courts. A lawyer indeed! Raising the devil was in vogue in the middle ages of the church; but has been laid aside in christendom, since black coats became scarce, as without them there is a difficulty in laying him; but what can a lawyer, when he is once up? The hurricane which carries away the haystack, is nothing to the breath of his mouth, that bears away people's property, by the fees which he exacts.

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* It was usual for a Judge to wear a cocked hat.

It was thus that Samuel laboured, and with similar success, to dissuade the people of Jewry, not from a jury trial, but from monarchy, in the days when they wished the kings to succeed judges. And the fact is, that tyranny gets her best foothold on the backs of courts of law, and judges. After the book of Judges, comes the book of Kings. But those judges had ceased to let the people "every man do what was right in his own eyes," and therefore they wished for monarchs and despots to make serfs of them, without knowing what they did, and the Lord have mercy on all such misguided republicans. And yet, a more perfect acquaintance with facts, might furnish some excuse for the impatience of the Jews under their judges, who were in fact, the priests, constituting a hierarchy. The despotism of the one, or of the many, is not the only kind of tyrany, that may exist. Of all tyrannies, that of a priest-hood is the most intolerable. It is a tyranny over the mind and over the thoughts, as well as over the body and actions. The blue laws of Conneticut afford an example even under the democratic puritans. Thus the Jews may have sought relief in despotism from oppressions of the priests, as the French did from the anarchy of the mob.

But the people of the settlement before us, had an idea that courts of justice were the best preservatives of a republic; and barriers against monarchy, and despotism. They had got a maxim in their heads, pronounced by the Latin schoolmaster when he rose out of his sleep.

Misera est servitus, ubi Jus vagum, et incognitum,

It is the worst slavery where the law is unknown, or uncertain, which words in English he gave for their use. And they had found arbitration to decide like the oscillation of a pendulum, and all began to call out for something more stable.

CHAPTER III.

Containing a short disquisition on the uncertainty of the law.

Whence does the uncertainty of law arise? Let us trace it. There is the letter of the law. Littera scripta manet; "what is written lasts." But there is the spirit, that is the construction of laws. This depends upon the mind of the construer; and two men may not in some cases construe alike.

There is again the application of the rule to the case; and it is the mind that must apply. The history of these constructions and applications are found in what are called reports. But this history, like other histories, is not always the truth. No two judges or two lawyers will agree precisely in their statements of the same decision. Some particulars, omitted or added, makes the difference. Yet these were helps to establish the decision.

What is it that can correct the construction or the application as it was originally made, or as it appears in the report? —Reason. It was this at first made the construction or the application. Hence the maxim, "that nothing which is against reason can be law."

When the usage and custom which makes unwritten law, like the laws of a game at school, are in the memory of men, and the application of the case, depends upon two minds, it is morally, but not physically certain, that the application will be the same. But in all these cases both of usage and custom, or of written law, there is a higher degree of certainty than where there are no positive institutions, or rules at all. Which is most likely to establish certainty in the transmission of usage and custom, or construction of statutes—the occasional application of the law, by arbitrators, who have little knowledge of positive institutions, or tribunals in which records of legal proceedings are preserved, and men are employed who have devoted their lives to the study, and to the perfect knowledge of which they do not find a life sufficient?

Visionary men, like Rousseau and Godwin, have seldom more in view than to support paradoxes. The ability is shown by the novelty or extravagance of the proposition. Godwin, in his Political Justice, with great brilliancy, supports the idea of deciding every case on its own peculiar circumstances, according to the notions of equity which lie in the breast of the judge. This is what is done in Constantinople. But it is to avoid this that laws are enacted, and means used to procure uniformity of construction and application in a free country. The object is to produce certainty—but that certainty is not universally attainable, without exception, for this reason, that man and his works are imperfect, and therefore uncertain. All that can be expected is, that in ninety cases out of a hundred, there is by that means a nearer approach than if matters were left to take their chance, or depend on the arbitrary will of the judge, where this proportion would be reversed. The more that arbitrary will is restricted, the freer the country.

The imperfection of human judgment produces uncertainty. This must be greater in proportion as there is no buoy to steer by; but a greater difficulty arises in the administration of the laws, to guard the consciences of men. Which is most likely to secure this? Tribunals open; and it is a principle of our law, that the courts shall be open; and shall be held at known times and places. Can arbitrations have this requisite? It is a principle of jury trial, that the jurors who are to try a particular cause, cannot be known until they go upon it; and after hearing they are to be kept together without speaking to any one until they are agreed. There is not that opportunity for labouring a jury that arbitration presents.

At the same time I am not one of those who frown upon arbitrations; or think those unworthy citizens who meditate or inculcate the idea of what has been called an adjustment bill. I profess myself a reformist; and with regard to others who attempt reforms, I am not ready to cry out, "they that have turned the world upside down have come hither also." I have been for letting the experiment be made. I know the consequence that it will soon be laid aside. Perhaps something might be retained of it that may be found wise. But the difficulty of getting men together, that act not immediately under a compulsory process, and thus keeping them from being tampered with; independent of arbitray notions of right or wrong, and unassisted reasonings, will be found to be such, that men, who, in the sincerity and benevolence of patriotism, have called for the system in the extent contemplated, will be the first to recede, and acknowledge that there is a difference between what is rational or even justice, in theory, and what is wisely practical among men.

No one can have a greater contempt of pedantry and opposition to reform in principle or practice than I have. A professional man thinks himself learned, because he is technical and knows the terms of his art, as a workman his tools; but has become shackled in forms, and a slave to precedents, and has no horizon or original thought and comprehension. He cannot recur to the correctness, reason, or to experiment, the source of improvement amongst men.

At this particular time there is a fermentation of the public mind with regard to the administration of justice. I have no fear for liberty, provided the form of government is left untouched; for a generous constitution will soon give warning of the malady, and on an error in reform a fever will ensue, and demand to be expelled. The wounding or destroying a principle of the constitution affects liberty, as taking away the trial by jury in the courts of law; or placing the tenure of a judicial commission on other grounds than on what the constitution has placed it; and the like vital parts of the system.

To reform with safety requires a perfect knowledge of the subject of the reform. To reform the law, either in its principles or administration, requires a lawyer; a scientific and philosophical lawyer: not a pedant, even though on the bench of justice. Natural narrowness of mind, or technical contraction, unfits for this. But an unreasonable jealousy of professional men is to be avoided. There is such a thing as patriotism on the bench, and on the bench what interest can there be but to lessen service? Interest, therefore, here, is not in the way of extending settlement by arbitration, so far as it may be practicable, and consistent with the preservation of the democracy. For be assured that the recoil of a measure hurts the authors more than those against whom the ordinance may have been directed.

But difference of opinion produces ill will. A man and wife will separate on a disagreement which has taken place about fixing a hen-coop, or laying out a bed of parsley. Christians have burnt each other, because the one would say off and the other from; and what man of sense doubts but the burner and the burned were equally good men? The creeds, confessions and commentaries of the one were just as orthodox as the other, but not precisely the same: and the nearer they came together the more wrath. This ought to teach in politics, at least, concession and forbearance.

If objects of sense mock the senses and deceive vision, how much more things in the political or moral world, which we cannot comprehend but by reasoning? What a farce it was in the year 1779, in America, to see committees formed from the one end of the continent to the other, instituting regulations of the prices of commodities at a standing value, when the medium of circulation continued to depreciate. These subjects must regulate themselves, by the laws of trade. The thing was absurd; yet I recollect Thomas Paine, an uncommon, but uninformed man, was a secretary to a committee, and an enthusiast in the project. The committee regulated "that a measure of fine flour should be sold for a shekel, and two measures of barley for a shekel, in the gate of Samaria;" but neither barley nor flour were brought to market, and as there was "no reasoning with the belly," the space of ten days undeceived the projectors.

The chemist tells us of substances that decompose, which is a process in order to the composition of other bodies; but that it depends upon a knowledge of the properties and quantity, whether the ingredients constitute a poison or a medicine. So may it be said of the spirit of reform.

The practice of the courts in Pennsylvania, is rendered simple to what it is in England, and could be still improved, as it would seem to me, either by the law of practice, which the courts themselves have the power of making, or with the aid of the legislature. There are three things in which there is need of improvement, and in which we should still try to improve; first, in the speedy administration of justice—second, in its greater simplification, and thirdly, in lessening its expense. But it is only a scientific man that understands the system, as a farmer knows his grounds, who can easily and with safety complete the reformation. The law itself is much improved in Pennsylvania, both criminal and civil, and I am not sensible of much wanting, but in the organization of the tribunals for its administration. Now it will not do to make a law that there shall be no litigation; or that every man shall know the law; for such a law cannot be carried into effect. I doubt, then, whether it will be found satisfactory to provide "that every man shall be his own lawyer," and his neighbour's judge in the capacity of arbitrator.

I own that those who best know how to make the reform, are not the most zealous for it, and hence it is often attempted by the incompetent.

The excellence of jury trial is sanctioned by immemorial usage; and is secured to a certain extent by the constitution. What is that extent? "Trial by jury shall be as heretofore." This mode of trial has its laws. Does the constitution mean that the laws of this trial shall be as heretofore? or does it mean any thing more? It may mean that it shall be the mode of trial in the same tribunals as heretofore; that is the courts of justice. Does it mean to bar extending the jurisdiction of the justice of the peace? This is a question.

I admit that screwing up the construction of the constitution too tight, the public mind will revolt against it. Driven to a contention, much that is valuable in the constitution might be lost in that torrent which an overstrained construction had produced, like waters in a dam without a flood-gate. The discretion of the legislative body must not be too much disputed. It produces the very effect, in some way or other, which the over-cautious apprehend. While the great boundaries of the constitution are unbroken, I do not fear much from those laws which regulate the police of justice, and may be enacted, and continued as the experiment may seem to justify. But I wish to see the democracy move in the groove of the constitution; like one of the heavenly bodies with but slight disturbing influences, or variations in its orbit, and thus bidding fair for perpetuity. For this reason, I am afraid even of experiment, in a case where there is doubt, and which is of great moment or delicacy.

CHAPTER IV.

The story turns back to O'Regan, and gives some account of his judicial career. The court is broken up, and Teague sets off to join the Captain.

It is full time we return a little, and see what became of O'Regan, whom we left in the capacity of Judge. This will best appear from a report of a case tried before him, and which has been kindly furnished us by lawyer Tarapin, who was counsel in the cause.

REPORT.— *Slouch vs. Crouch.*

This was an action of assault and battery, with two counts; the first for assault and battery; the second for an assault.—The case as it came out upon the evidence, was as follows.

Upon some ill words given by Crouch, as villain, rascal, scoundrel, &c.—Grouch made a blow at him with a cudgel. Crouch, crouching, as the name imports, let the blow slip over him, which lighting upon Slouch, broke his head. Upon this Slouch had brought his suit against Crouch.

Lawyer Tarapin moved for a nonsuit, on the ground that the action ought to have been against Grouch, whose stick, though intended against Crouch, yet trespassed, and hit upon Slouch.

Lawyer Heberden, for the Plaintiff, thought the action was properly brought, and that Crouch, who gave the ill words that occasioned the outrage, was responsible for all the consequences; that he had no right to take his head out of the way; but that it ought to have remained at its post, which had it been the case, no blow could have fallen upon Slouch.

With the names, with terminations of a like sound, and the intricacy of the case, the judge was puzzled, and getting in a passion, snatched a staff from a constable, and fell upon the suitors. "By me sowl," said he, "I will be after bating de whole o'd you togeder. A parcel of spalpeens and bog-trotters to be coming here bodering me wid your quarrels, and your explanations; better fight it out like men of honour wid a shelelah, and not come here to trouble de court wid it."

He had broke the heads of several, and was laying about him with the constables' staff, the clerk not being able to interfere because he was blind, and the citizens not being willing, because they were afraid; saying the culprits were in the hands of the judge, and it did not behove them to take the law into their hands, and resist the execution.

However, the result was that the proceeding broke up the court, and the blind lawyer, fidler and bog-trotter had to leave the country.

The bog-trotter followed the Captain, and the blind lawyer and fiddler followed him, to the new settlement.

It was just at this time they came in, when the people were in commotion about the courts of justice. It was opportune, and occasioned them all to be provided for by the influence of the Captain. Things were reversed in some measure, from what they were in the country below; for the blind lawyer was made the judge; the fiddler the crier of the court, and the bog-trotter a constable, Tony Burn, the piper who had followed the party from the last settlement, there being no bell or drum in the new town, opened the court with the bagpipes. There was nothing now wanting but a lawyer, and that was not wanting long.

CHAPTER V.

There was a talk of setting up a printer. Teague meets with an accident, which suggests an original criticism on Milton.

There was a talk in this town of having a printer, and newspapers, one of the first things thought of in the new settlement, to be like the old. Some thought there were typographical errors enough in the world. However, the people were disposed to multiply them, and accordingly a printer was encouraged. He set up a paper which he called the "Twilight." For, as there was a "Dawn" in the east, it seemed reasonable there should be a "Twilight" in the west. The Evening Star, and the Western Star have been names of Gazettes; but Twilight, for any thing we have heard would seem to be original. The dawn,

——"That sweet hour of prime,"

In the language of Milton—one of his most beautiful paintings is that in which he speaks of it as introducing the sun

———————Jocund to run
His longitude through Heaven's high road; the gray
Dawn, and the pleiades before him danc'd,
Shedding sweet influence———————

The "Dawn" is a modest appellation for a paper, bespeaking the beginning of light. The "Twilight" not less so, meaning that small degree of it which remains after the sun is set.—The device was an owl, a cat and a bat; the owl an emblem of wisdom, the cat of vigilance, the bat of impartiality, being of equivocal formation, and doubtful whether bird or beast. At the same time these animals are all of the "Twilight," and therefore appropriate.

The motto by the Latin schoolmaster,

——Si quid superesset agendum.

Clonmel the ballad singer, furnished a few verses to introduce the publication. The composition was none of the best; but it was suited to the occasion.

The dawn and the twilight, have both but small skylight;
Yet pleasant are both in their prime,
For think of the noon and the hot burning sun,
O, this is a far better time.

Hence name we the paper, and light up a taper
To lighten the clouds of the west.
If not the best skill, yet have the best will,
To make this our paper the best.

We want a little money to begin with, dear honey,
So bring it and take you the news,
Have a little heart, nor be sorry to part,
With a trifle like misers and Jews.

We shall tell how the Spaniards dress hides in their tanyards
Or curry their leather in France.
And when that we come to things nearer home.
You shall hear of these just at once.

Who's married; who's broken; who is shot, or choken,
By himself or the hand of the law.
What dress is on foot, who has got a new clout,
To tickle the fancy and draw.

The lads that can write now let them indite,
And here some speak their own praise ;
On politics or pride, or threshing the hide
Of judges and lawyers now-a-days.

'Tis all one to us what the blunderbuss,
So that it but makes a noise.
So down with your ink pots ; thinkers or think nots,
And help out our journal, brave boys.

Harum Scarum was a contributor to the paper, and dealt in fabrications and intelligence. Will Watlin gave dissertations on economics, taming wild geese, and brewing beer out of wasps' nests. Tom the tinker hankering after insurrections, struck his hammer on the government. Martin, the schoolmaster, was now employed as an Indian interpreter, passing his Greek for the Chickasaw ; nevertheless found time to furnish a distich or hemistich or Latin epigram occasionally. O'Fin was a politician and brought down his flail upon Bonaparte, and said, had it not been for his usurpation, there would have been a republic in Ireland. The bag piper was a merry fellow, and brought his talents into hotch-pot in the way of essays upon drones ; shewing their use in a commonwealth. Thus few papers were better supported than the Twilight, and it had subscribers. The great variety of talents,

Quoniam sic positæ, suaves miscetes odores,

Said the Latinist—the great variety of talents could not fail to furnish something to hit the taste of every individual ; and it is not so much excellency, as variety that pleases. The most odoriferous shrub or rose ceases to delight, and we turn to another bush, or take up even a less fragrant flower.

The passions having their vent in a Gazette, saves battery and bloodshed. In this view of the subject it is an aid-du-camp to the laws ; and if it should be thought eligible to extend the province of the press, and to canvass all matters depending in a court of justice, it will be an accessary to the practice, and a great acquisition in a free government. But this I leave to the discretion of the legislature.

The bog-trotter, for a good reason, wrote nothing. He was engaged as constable, in serving process, which he contrived to get some one to read for him. In one of his excursions, he met with an accident. He set his foot on the spur of a horse-jocky; which, in this new country, from the prick of the roller, he took for a rattle-snake. Not waiting to look behind him after it made the impression, and left a puncture like the tooth of a serpent, he made his tour to the town with great howling and lamentation. A ligament was drawn tight about his ancle, and the leg stroked down and the flesh pressed towards the orifice. Cold water from the mouth of a tea-kettle was poured upon the wound, with a steady current from a considerable height. Finally, certain roots, pointed out by the Indian traders, in a cataplasm were applied to the foot, bandaged up for a fortnight, until all appearance, I need not say, of poison, for there was none, but all apprehension of poison and mortification was removed.

It will not be understood that I record this incident as an evidence of pusillanimity in the bog-trotter. For a man of the firmest mind, might reasonably conceive an alarm at the idea of being bitten by a snake. Such is the horror in the human mind at even the touch, much more the bite of such a reptile.

Milton represents the tempter as seducing Eve under the form of a serpent, and endeavors to render that form amiable by description,

——————Inclos'd
In serpent, innate bad, and towards Eve
Address'd his way, not with indented wave
Prone on the ground, as since, but on his rear,
Circular base of rising folds, that tower'd
Fold above fold, a surging maze; his head
Crested aloft, and carbuncle his eyes;
With burnish'd neck of verdant gold, erect

Amidst his circling spires, that on the grass
Floated redundant: pleasing was his shape
And lovely; never since of serpent kind,
Lovelier.

If I might presume to criticise so great a master as Milton, I would say that it was an oversight in him, to make the tempter assume the form of the snake. For he is not supported by the Scripture. The idea in Genesis is not that the tempter was in the guise of a serpent; but of some creature which was, for that very act, condemned to be a serpent. "Upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life." It is a metanomasia, or post-nomination. "The serpent was more subtile;" that is, the beast which we now call a serpent, was then the wisest of the field. It is impossible to imagine that creature, which would seem to have been changed; for we can no more imagine a new creature, than create one. When the poets feign a griffin, it is but a winged beast. The Orc of Ariosto is made up of parts that are taken from animals in nature.

But, it is to be presumed that the animal assumed by the tempter must have been next to the human, the form the most beautiful in nature. The poet represents the transformation as denounced in the garden,

——————Without delay
To judgment he proceeded on the accused
Serpent, tho' brute, unable to transfer
The guilt on him who made him instrument
Of mischief, and polluted from the end
Of his creation; justly then accus'd.
As vitiated in nature————
Because thou hast first done this thou art accurs'd
Above all cattle, each beast of the field;
Upon thy belly grovelling thou shalt go,
And dust shall eat all the days of thy life.

I would have expected the metamorphose at this time and place.

His visage drawn he felt so sharp and spare,

His arms clung to his ribs, his legs entwining
Each other, till supplanted down he fell
A monstrous serpent on his belly prone,
Reluctant ; but in vain, a greater power
Now rul'd him, punish'd in the shape he sinn'd,
According to his doom.——

Since my first reading of the poem, I have been struck with the incongruity of representing the animal which the tempter assumed, as being a serpent in the first instance. Yet there is classical authority for supposing it possible, that a serpentine form could be the subject even of affection :

Lovelier ; not those that in Illyria chang'd
Hermione and Cadmus or the God
In Epidaurus, nor to which transform'd
Ammonian Jove, or Capitoline was seen,
He with Olympias, this with her who bore
Scipio the height of Rome.

And Dryden in his Ode on St. Cecilia's day——

When he to fair Olympia prest,
Awhile he sought her snowy breast,
And then around her slender waist he curl'd,
And stampt an image of himself, a sovereign
of the world.

Strange as it seems to me, the ancients in some countries, appear not to have had this horror of serpents. In the temple of Esculapius, the god himself was said to visit his patients disguised under the form of a great serpent, the caresses of which reanimated them with new hope. Serpents in general were consecrated to this god. "He appears to have had a particular predeliction for those found in the neighbourhood of Epidaurus, which are of a colour approaching to yellow, have no poison, are tame and gentle, and love to live in familiarity with man. That which the priests keep in the temple, will sometimes wind round their bodies, or raise himself on his tail to take the food which they present him on a plate. He is rarely suffered to go out, but when this liberty is permitted him, he walks majestically through the streets, and as his appearance is deemed a happy omen, it excites universal joy.

"These familiar serpents are found in the other temples of Esculapius. They are very common at Pella, the capital of Macedonia. The women there keep them for their amusement. In the great heats of summer, they wind them round their necks like neck-laces. During my stay in Greece, it was said that Olympia, queen of Philip, king of Macedon, had one of them, which she frequently took to bed to her, and it was even added, that Jupiter had taken the form of that animal, and that Alexander was his son."*

Nevertheless, I still think that the more natural allegory in Milton, and better supported by the scripture, would have been the idea of some creature the most beautiful, as well as the wisest, tempting Eve, and thence, as a punishment, undergoing transformation.

CHAPTER VI.

Which treats of the founding of Colonies in general, and of some in particular. Captain Farrago becomes governor. A description of the new settlement.

Inacus founded Argos; Cecrops Athens; Cadmus Thebes, in Bœotia; Romulus Rome; and Penn Philadelphia. Now who formed the town of which we are speaking, cannot be said; for it was founded by a congluvies of mortals like the company of David, in the cave of Adullam. "Every one that was in distress; and every one that was discontented, gathered themselves unto him." Amongst these a broken judge came in, who complained that he was unjustly broken.

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* Travels of Anacharsis.

A word with you friend, said the Captain. Were you not tried by a competent tribunal?

Yes, said the judge; but the judgment was unjust. Why not appeal? It was the tribunal in the last resort.

What, said the Captain; can there be an error in a dernier decision? What is it, according to yourselves, that makes the law, but decision? Precedent is authority. What has reason to do in the case? Once it gets into the books and becomes a case, let me see what judge can undo it, or question the reason of it. It has become law. We must take the law as we find it. If Holt has once said it, the game is up; or Buller or Kenyon. It is a knock 'im down argument, that Patterson has ruled it so; or Washington, or Marshall. It is the construction of the judge that makes the law. It is the application to facts proved, or admitted, that makes the case; and the application being by the constitutional tribunals, there is no more to be said about it. Positive institutions are arbitrary things, and there is no reason necessary that they are as they are. You a judge, and talk of an unjust judgment, where it has been given by those who have alone a right to judge! This shows that you were not fit for your office: so turn in there, we will do the best we can for you; but no more caterwauling about the injustice of your sentence; you sent many a man from your decisions, I will undertake to say, dissatisfied—but the law had determined it; it had become a case, and there was an end of the disquisition.

The judge hung his lip, and turned into a cabin.

A young doctor had come here. What learning he had before he came, is not of so much consequence, as what practice he had afterwards. One thing he had acquired, the cant of a physician, that had he been called sooner, before the constitution had lost its tone, or nature her diathesis to cooperate with the medicine, a cure might have been effected; and even as it was, by preserving regimen, something might be done. The quack taking care to find out first what the patient liked best; and especially prohibiting that, because, as he knew, the indulgence could not all at once be restrained absolutely, it was morally certain the patient would transgress a little, and furnish the complaint with a pretence to stick by him in spite of the faculty.

A young woman had been found in the woods, naked, gagged, and had been, as she said, tied to a tree. The account she gave was that she had been taken out of a nunnery in Canada, where she had been educated: was on her way to her father in Kentucky, a rich man; had been robbed of a thousand doubloons by her conductor, stripped of her silks and muslins, and left to perish in the wilderness. Imagination or philanthropy saw truth in her history; and she was fed and clothed, not as the law directed, but as humanity dictated, and brought into good company.

At the first discovery of her, she was thought to be a mortal; but in a short time she was conceived to be an angel.—There were an hundred that would have married her, had it not been for this distrust of being real flesh and blood. But by this time it began to be found out, or at least suspected, that the nunnery had been no farther off than a city of these states, and under the care of brothers, rather than sisters.

The preacher of the town was a methodist of that class who seem to glory in publicly confessing their sins; in telling how wicked they had once been, to mark the proud contrast with their present state of perfection. This one had been a horse thief, and when he had taken his text, and was warning from the like offence, and telling the danger of it, he would put back his wig and say, you see I have lost my ears by it.

Ecce signum, said the Latin schoolmaster;

Segnius irritant animos demissa per aurem,
Quam quæ sunt oculis, subjecta fidelibus.

At an early period, the ceremony of marriage had been dispensed with in this town, as is the case where there are not magistrates or priests at hand to officiate, and make the legal copula, or knot of marriage, or they were made simply before witnesses, or by mere mutual consent.* Diana and her nymphs; the three graces and the nine muses, are represented as not marrying at all. It is to be presumed that it is owing to the same cause, the absence of the justice of the peace or the parson. But it is always spoken of as the first step towards civilization, the coupling in marriage, according to some established form.

————Sancire leges.
Concubitu prohibere vago.

The Captain being by common consent chosen governor of the new Territory, paid attention, in the first instance, to this matter of police, and directed the girdle of Hymen, to be added to the zone of Venus, in all cases where it had been yet wanting. The settlement in a new country is, in some respects, delightful; the country in its virgin state, before the underwood is browzed upon, and the luxury of flowers and shrubs is repressed by beasts of burden, or the labours of the husbandman. It has seemed to me that the streams run clearer in a new country than the old; they are certainly more abundant. The cultivation of the soil uncovering the vallys, lets in the rays of the sun, which drink up the moisture, and open fissures in the earth, where the streamlets sink and disappear.—Hence it is that we read of brooks and rivulets in the classic and long cultivated countries, which bubble now only in the song of the muses—

"Sunk are their fountains, and their channels dry."

The natural moss on the margin of the fountains and the rivers in a new country, are greener, and furnish a more romantic seat,

Saxo sedilia vivo,

shaded by the umbrage of the forest, than the clover of the meadow; or the artificial bank and bowers of the garden itself. How delightful the small parties that are made upon the water of the rivers in skiffs or canoes, or in the shades of the forest, and near a spring head, at a fete champetre or barbecue, where the company assemble, nor yet divided by the classifications of wealth or pride! I do not wonder that the young people of the Israelites were apt to be seduced to sacrifice "in high places, on hills, and under every green tree," even though prohibited, inasmuch as these situations were so delightful, at least in the summer seasons.

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* This is no doubt a good marriage even at this time, marriage being regarded by law as a civil contract; all that is necessary is *consent*, and an actual contract; which may ever be presumed from the circumstances of cohabitation. But a certain degree of solemnity, is highly important for its moral effect.

"The flowers of the forests are a' wed away,

In the old school ballad is a fine expression: for the flowers of the "forest" are unquestionably of a more lively bloom if not of finer odour than those of a garden; and that atmosphere of fragrance, which, from a wilderness of verdure, pours upon the senses, overwhelms with delight.* There is no ague or fever here; for the exhalation from the foliage is aromatic to the smell—the gale is not tainted with miasmata. The air is a bed of perfume, and the vapour tastes of nectar and ambrosia.

Such scenes, and such air must be salutary. Whatever the component parts or qualities, hydrogen, nitrogen, or oxygen, of which the chymists speak, certain it is that the air breathed from plants and flowers is favorable to health and longevity. Inhaled by the lungs, is restorative, and as a vapour bath to the whole body is salubrous. A ride from the sea coast to an ultramontane settlement in the spring of the year, is resuscitation to an almost dead constitution.

But it would seem to be owing to other causes than mere bodily vigour and health, that the inhabitants of a new country appear to have more intellectual vigour, and in fact more understanding in the same grade of education, than the inhabitants of an old settlement, and especially of towns and cities. The mind enlarges with the horizon. Place a man on the top of a mountain, or on a large plain, his ideas partake of the situation, and he thinks more nobly than he would under the ceiling of a room or at a small country seat.

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* The author frequently expresses his love of the wild beauties of the scenery of nature, in the uncultivated woods.

It may be that the change of situation gives a spring to the mind, and that the intercourse with that variety of characters which emigrate, increases the stock of knowledge. Taking a new start from a new point, and rising from a higher to a higher sphere. Whether owing to these, or other causes, it unquestionably appears to me, that the ultramontaneer is, in general, the superior man, in the same occupation and pursuit in life. This would seem to hold good out of the learned professions, which require a propinquity to the libraries of Apollo, as well as the seat of the muses; but we have in view chiefly that natural sagacity, and discernment of spirit, and strength of mind which constitutes mental superiority. Perhaps it may be that the most active spirits are those that emigrate; or that people put to their shifts, which is the case in a new country, acquire a vigour of mind proportioned to the exercise.

There is one thing observable, that, in a new settlement, society is coveted, because it is scarce; and mutual wants produce reciprocal accommodation. The emigrants coming also, from different quarters not in clause and hitherto unknown to each other, do not bring with them latent, or professed enmities; and the mind, *ira, amicitia vacuus* is open wholly for new impressions. Family feuds, of an old standing, or of recent inception, do not exist. The absence of all chagrin is a state of mind more easily coveted than explained, either as to its sensations, or as to its consequences. But it is a main spring of happiness in a settlement, that the improvement begins upon a new plan, and upon his own scale; and he has his shades and his avenues at once, without waiting for the trees to grow. There are neither ruins, nor vestiges of decay before his eyes, but a young country receiving young cultivation; just at the will of the possessor, without the necessity of sacrificing taste to what had been begun and half finished. Suffice it to have said these things to the encouragement of young people who may not be well provided for by those before them, and are disposed to seek their fortunes dependent only on themselves.

CHAPTER VII.

The new Governor turns his thoughts to the subject of government. The means of governing men. The clergy in free governments. The Press.

Governor Farrago, in his new capacity began to turn his thoughts towards government; and considered with himself what had been the means of governing men, from time immemorial. This he found might be comprehended under two general heads, fear and love.

Religion founded on truth, is a powerful ally of government as it holds forth the rewards and punishments of a future state. With respect to spurious religion, or heathenism, we see great importance attached to sacrifices of sheep and oxen, and can be at no loss to understand the motive. For when a bullock was offered up to the gods, the smell went to them, but the taste to mortals. It was not that any thing could be got out of viscera, that tripes were inspected; but because this could not be done until the cow was killed; and in that case, the priest got a beef-steak.— What contempt would one entertain of the Haruspices, pouring over the entrails of cattle, in order to ascertain the events of futurity, if he had no idea, all this time, that it led to a barbecue?

But what the origin of human sacrifices? That has a deeper foundation. It was not that Gentiles devoured them; or were cannibals. But, it was a state engine, and under pretence that a human victim was desired by the gods, some individual, obnoxious to the government, was pointed out by the priest, in collusion with the officer, and made the holocaust. We have a proof of this from the poet Virgil, who puts a tale into the mouth of Simon, viz. that a victim being necessary to procure a favorable wind to the Greeks to return home, Ulysses, having a grudge on an old account, got Calchas to denounce Pil Garlick, as the one the gods had pitched upon; and accordingly being marked out for the altar, he had run off. In the Foola country, the Bandoo woman is made use of by the Purra, to single out the culprit that is to go to pot and be knocked on the head. In the South Sea islands, it is the usual policy. A letter from a missionary at Otaheite, tells us that the emperor of that island, lately died, had offered up in his time, at least two thousand human persons. These were, doubtless, such as had been in opposition to the administration.

Letters de cachet, had answered this end in France; the inquisition in catholic countries, which was an ecclesiastical tribunal, served the same purpose.

The clergy in free states, are useful to government; but not in the same way. It is by inculcating obedience to the laws as a divine precept, and a moral duty. This is the only "alliance of church and state," that exists in this country. Or if the clergy here do not touch upon politics at all, yet by teaching such doctrines as lead men to virtue, they make them good citizens. Even the Calvanist, though he talks of nothing but faith, and spiritual affections, yet produces the effect of good works. So that in fact he comes to the same point with the Arminian who talks chiefly of good works.

In the ancient republics, founded like ours, on reason, and the laws, the power of speech was the great means of keeping men together. Hence the orators of the popular assemblies. With us the press is the great pully, by which the public mind is hoisted, or let down to any sentiment. It is a wonderful block and tackle on board the state ship. It can overthrow a good administration, and for a while support the bad. But the press cannot exist but by liberty ; this is the bread by which alone it can live. Nevertheless, the freedom of it may be lost by its own imprudence. The intemperence, and indiscretion of the journalist, propels to popular excesses, which subdue the laws and bring on despotism. The phrase "liberty and equality," of the French revolution, has done mischief by going into false notions. Liberty was thought to mean anarchy—and equality—it is hard to tell what. Our declaration of independence, has the phraze, that "all men are born equal;" the meaning is, that they were born with equal *rights*, that is, the right to enjoy what the law gives them. In any other sense, it is not true; for men are unequal, physically and individually, as well as by the gifts of fortune, or the chances of life.

These were the desultory reflections of the governor, who thought it fortunate that a press had been established in his government as a vehicle of information, but was a little afraid of some of the correspondents; Harum Scarum; Tom the Tinker; Clonmel the ballad singer ; Will Watlin, and others. O'Fin the Irishman, was an excellent flail man; but threshing grain, and threshing in a newspaper, require, if not different powers of mind, yet at least different cultivation. He was an honest good hearted fellow; but as on a barn floor, an unskilful, or careless person will bring the voluble end of the jack-staff about his own head ; so it is with a politician who enters the list with a view to do good; but, from mistake of the true interest of the body politic, does the harm.

Under this idea of the effect of a journal to guide, or mislead the public mind, the Governor solicited an interview with the author of the "Twilight." After such introductory compliments and observations as may be presumed on the occasion, the governor insensibly drew him (the editor) into a conversation on the subject of the press, and his gazette in particular. Editor, said he, your good sense I know, and your patriotism; but I am afraid of your being a little too much carried away with the spirit of the times hatred to learning, agrarianism, dissolution of courts, disuse of codes of law, and invectives against judges. There is a medium in all things. This may be carried too far. Would you not think it prudent to restrain this downhill speed a little. As to attacks upon the administration, or the policy of measures merely executive, or even the constitutionality, or expediency of a law, I should think the greatest freedom may be used; or the public conduct of men in office may be canvassed; though, by the bye, I should not think the public had any interest in their small morals, as for instance, the cut of their pantaloons, or the colour of their breeches; or peccadilloes, even in the breaches of decorum. Such restriction may perhaps be laying an anchor to windward in my own behalf, as I am not the most exact of all men in these particulars.—But I ask or wish for no indulgence, on the score of official acts; let them be the subject of your examination, and strictures. At the same time taking the rule of humanity for your guide, as expressed by the Poet.

> "Nothing extenuate, or set down aught in malice."

But I advert chiefly to such sentiments, as poison in respect of the elementary principles and constitutions of government itself, and the prostration of those establishments on which the security of property, reputation and liberty depend.

You will assign to us typographists a very narrow space, indeed, said the Editor; and you will strike away from us the footstool of all our popularity. What is it to the macaronie, whether you acquire territory to the republic, or lose it, but what is the fashion of your boot, or the cape of your coat? What is it to a female, whether you wisely sanction a remedial act by approbation, or negative it? But whether you keep a mistress, or ever had one. The taste of our subscribers is as various as their faces, and it is they we must please. Every body can understand scurrility, but it requires one to knit the brow to take up a report on the finances. As to the taste of the time, we must fall in with it, if we mean to keep on the popular side of the question. You are not to take it for granted that we speak our own minds in every thing you see in our papers; no more than an advocate who is employed on the wrong side to plead: it happens to fall to his lot, and he finds his account in it.

Cannot you fill up your journal, said the Governor, or at least a great part of it, with essays on agriculture; experiments in chemistry, mathematical problems, or love adventures, years ago, or at a great distance? Let the governors, and the laws alone, since you cannot speak of them according to your own judgment

That would never do, said the Editor. The public would not take half the interest in it. Finding fault is a secret satisfaction, and the source of great delight to the human mind.—Hence slanders in society. Why not much more in public life? When a man builds a cabin, it pleases us to object to the plan, or something done about it; much more when the subject of our remark is of a high and noble nature, such as a measures of the executive.

The fact is, a newspaper is a battery, and it must have something to batter at. Where the Editor is a friend to the executive, or the legislative part of the administration, he must make a butt of the judiciary. It is against this he must bring his catapult, or battering ram to bear. Fortunate the man who is unentrammelled with any attachments, or restraints of affection, gratitude, or obligation; he has the whole before him, and he is not under the necessity of slackening his efforts, at one angle, lest he should affect another. A clear field, and no favour. That is the province of the printer. An advocate seldom finds it his interest to be retained by a suitor altogether. And as to building up systems, that is what we do not so well understand. We leave that to the sages, and philosophers, with whom we are naturally at war. It is not our fort; every man has his faculty. One to spin a rope; another to pick oakum.

Well, said the Governor, you must take your own way. I had no idea of shackling the press, but only of suggesting such hints, as might conduce to its credit, and the good of the community.

I do not know, said the Governor to the Chief Justice, the blind lawyer who was present; the Editor now withdrew; I do not know, said he, whether, notwithstanding my observations to the printer, something might not be done in settling suits, and composing differences in matters of property without such extensive codes of jurisprudence and court trials, with advocates, and endless speeches. I should like to hear your idea on this subject, Chief Justice.

Might we not do without such struggling to exist in other respects, said the Chief Justice. The acre must be grubbed? the maize planted; the sickle is necessary. Why clothing; at least, why tailors. Skins, or a plaid might answer. Why houses? It is probable that mankind had tried the acorn: the bear skin; the cave, or the hut before these. Must they return to this state, to see whether they cannot now do without them?

The presumption is, that before laws, men had tried what it was to dispense with them. Jury trial would not seem to have been an invention, all at once like the cotton loom by Arkwright. It is probable that it was considered an improve ment upon arbitrations, when it first came into use. But it would not seem to have been adopted all at once, but to be the result of successive amendments. In fact, it is nothing but a mode of arbitration by the vicinege, uniting with it the advantage of a court to inform as to what the law is, and furnishing an executive authority to carry awards into effect, and execution.

This trial is of immemorial usage, and hid in deep antiquity. If we had its history, it would be seen that its laws, are the result of gradual accession; and these added from an experience of defect. Just as in our own time, and in these states, we find amendments, or at least, changes in the summoning, return, impannelling, or serving of juries.

The privilege of counsel in capital cases; as to matters of fact, or witnesses on oath, is but a late acquisition in England. And the presumption is, that at least, as to the privilage of counsel, it did not originally obtain in criminal cases. But that the prerogative of the crown had impeded this improvement in the criminal laws, so that it did not keep equal pace with that in the civil. Yet with us it begins now to be thought a grievance to have counsel in any case. It seems to be a wish of many to try a system of judicial determination without it.

What would be the effect of the experiment of simple arbitration? said the governor.

An injury to credit, said the Chief Justice: men would not so readily give trust, knowing that the screw of the law was relaxed, and they could not so readily recover what was due to them; of course it would reduce contracts, and bring matters to the immediate exchange of money and commodities. At the same time, I am willing to admit, that some practical check to the facillities of credit, is very desirable. In the third place, it would shake the security of property, real and personal; on account of the uncertainty of holding it, the rules of evidence being rendered uncertain before a tribunal having no rules; and also on account of having no principles of contract or use, but the notions of right and wrong, in the breasts of the auditors; and these as changable as the different sets that decide on a controversy.

In the last place, it would check, if not put a stop to all improvement. Who would build a mill, or clear a field, if it could be taken from him by the Irish—*custom of Tanistry*?*

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* The custom of Tanistry. See Davies Rep. Irish cases, 147—the case of *Donough MacTeague O. Callaghan.* The custom was, that the *most worthy* should take the estate—in practice the most worthy was him who could flog the rest.

A great object of the social compact is, the security of private property; the ascertaining and protecting meum and tuum; the mine and thine of possession. It is essential in a republican government, that every man should be secured in the enjoyment of the fruits of his industry. With sovereigns, the ultima ratio regum, is the means of redress in the case of an invasion. Of trespass with individuals in a state of society, what else but the laws? And what are laws without tribunals to lay down and enforce them? tribunals, not casual and temporary, but fixed and moving with set times, and the regularity of clock work; tribunals who have rules of property as well understood, and as certain in their applications as the laws of gravitation or magnetism. When the barons meet at Runningmede, did they complain of any thing more than the delay of justice? Nulli negabimus, nulli deferemus justitiam, is a provision of magna charta. Could there be steady justice, otherwise than by a proper organization of courts and juries? Not unless we take the short way of despotism, and appoint subordinates with a prompt power, and arbitrary discretion. Trial by jury and the constituted courts, had been in use time out of mind, before magna charta, and more than eight hundred years since, it has been tolerated, nay prized, and the constant subject of eulogy, notwithstanding what I consider as that which might be the subject of amendment, the principle of unanimity in *civil cases*. But it ought not to be rashly changed, for change may lead to its destruction, or rather its transition into mere arbitration. In the essential law of its nature, it should be annexed to a court where men sit, who are learned in the usages and customs, or written laws, of the society. Human wisdom never has devised an equal mode of uniting the means of ascertaining fact and applying law. It is the life giving principle in this regulation, that the jury and the court are associated in the trial, and that one cannot move without the other. As to the mode of bringing forward juries by return of the sheriff; by a special jury, selected in the manner known, or by election of the country, these are particulars of a lesser nature, and may be the subject of modification from time to time, and yet the vital principle be preserved. But the moment the tribunals of fact and law are separated, the talismanic charm is gone; that which was never understood before, will then be felt.

But, said the Governor, did they not lay aside law judges, and attempt the system of mere arbitrament in France, during the revolution?

It would have been matter of wonder if they had not, said the Chief Justice. When the cord from its extreme tension is let go, it vibrates nearly as far on the other side of the circle to that from which it had been drawn. What could you expect in return from despotism, but the opposite extreme of anarchy? In the state of the public mind, in France, what was there to arrest at a medium? Was it natural for the precipitancy of the national will, to stop short of the utmost latitude? You might as well expect the stone of Sysiphus rolling down hill to stop of itself, before it reached the bottom. What institutions—what habits had they to fall back upon? We had our town meetings every where, each in itself a miniature republic, where the people were accustomed to meet, debate, and decide on all matters interesting them. Every individual had from tradition a stock of political ideas, and had maxims of political rights almost born with them.

Of what account was it, when the mode of settling disputes, relative to property in France, at some periods of the revolution? Proscriptions brought owners, and possessors, so quickly to the guillotine; and conscriptions took them so hastily to the cannon's mouth, or the bayonet's point, that it was of little consequence what were the tribunals of justice, or of litigation. But had they the trial by the vicinage to lose? or have they continued to do even with judges? Bonaparte you may say, has given them courts, and made great reform in their civil and criminal law, especially in giving uniformity of rule throughout his empire. Frederick had reduced the law to a single code before him. It must be admitted, that although despots, they were both great and enlightened reformers.

What was the law in France before the revolution? From what sources drawn? The Roman civil law. Not this only, but usages, customs, and written laws of a general or local nature, derived from their Gallic ancestors; or from the Goths of Franconia; from the law of nature; from the law of nations; from municipal institutions, and a thousand sources as numerous as the springs that make the rivers of their country.

Could not property be held and adjudged without a knowledge of all these? said the governor—no more than you could breathe without the atmosphere, unless another atmosphere be given you. For what is property, but that which is peculiarly my right? And what constitutes it my right, but the laws under which it was acquired, and to which it was subject?

Is this Roman civil law, that you speak of, a thing of extensive application? said the governor.

It is as extensive, said the Chief Justice, as the common law with us, or as any law must be, that arises out of the multifarious concerns of a great community. Romulus made regulations; Numa, institutions; the plebiscita, or resolutions of the tribunes and the commons; senatus consulta; judicia pretoris; responsa prudentum; these with the twelve tables, institutes, pandects, and commentaries, are grounds of that law, which, on the decline and fall of the empire, was incorporated by the barbarous nations in their codes, as they became civilized, and an agricultural and commercial people. It is the experience and wisdom of ages which can alone provide for the cases of difference in matters of claim or right amongst a people. It will require the application of years in those who administer these laws, to attain a knowledge of the rules established relative to them, and which rules by the change of property under them, have become as much the right of the citizens as the property itself. For the laws of property go with it; and are the right of the purchaser; and as much a part of his estate, as the charters and documents that constitute the evidence of the acquisition. A bit of a manual, or collect of the rules of a legislative body, will fill a duodecimo volume; and yet how small a part in this of the "law of parliament," which embraces privileges, immunities, laws of election, &c. And in the code of the community, there are a thousand chapters of law more extensive than this, and equally important to be known, and and every day in use by the whole of the people. So that the disuse of lawyers, judges, and courts, or superseding the necessity of them by novel institutions, is what will be found impracticable consistent with government, without substituting arbitrary despotic power, or trying all cases by the toss of a copper.

Nevertheless, said Harum Scarum, who had just come in, and heard the concluding part of what the chief justice had said—Harum Scarum, whom the governor had just appointed secretary: Nevertheless, said he, so it is, that nolens volens, the people will have the lawyers and the judges down. They may let the chief justice alone a while, because he is blind.—There is a generosity in men that leads them to spare the miserable. But as to lawyers that have their hands, and judges that can see, down they go; every day has its rage; *ca-ira–ca-ira–* it must go, it must go—progress, progress. The Marseilles hymn need not be sung to this.—Marchez, Marchez. It will march of itself, quick step. There needs no drum beat, or fife to play. So much for lawyers; they are under way, and down they go.

Every day has its trumpery of opinions, and pursuits; obstinacies, and predilections. The more free the people, the more prolific are these fellows; it is the rank growth of freedom, shewing the productive energy the soil. It is the alloy of the current coin. But we have seen this age pass over, and now is the age of economies. A man wears spectacles, or a clout over his eyes to save daylight, his shirt over his coat, in the day time, and sleeps in his coat to save his shirt. A sachem runs with his hinderparts bare, to save breeches, but wastes as much oil to keep them from musketoes as would buy overalls to cover his nakedness.

Harum Scarum, said the governor, you are an extravagant fellow, you exagerate. I expect better things from the people, said Harum—true, we must say nothing disrespectful of the people! We had the age of swindlers some time ago. Every man that had a mountain, or no matter whether he had one or not, sold the top first, and then the bottom. For though your lawyers say, that Cujus est solum, ejust est usque ad coelum; yet we have no such maxium as usque ad Tartarum, and so he might sell the bottom, and by the bye, represent it as level, and well watered, which he could not always say, with a good conscience, as to the frustrum of the cone whether the parabola, or the hyperbola.

CHAPTER VIII.

The power of the Judicary to decide on the constitutionality of a Law.

The power of the judicary to adjudge a law unconstitutional, and that I have touched on, the practicability of adjusting civil controversies by arbitration, are two important legal problems.

On the first point we find a precedent in the government of the Athenian people. I shall quote from a translation of the "travels of Anacharsis the younger."

"Amidst that multitude of decrees, we see from time to time enacted with the sanction of the Senate and the people, some there are in manifest contradiction to the welfare of the state, and which it is important not to suffer to subsist. But as they were the acts of the legislative power, it should seem that no authority, no tribunal is competent to annul them. The people themselves should not attempt it, lest the orators who have already taken them by surprise, should again mislead them. What resource then shall there be for the republic? A law singular indeed at first sight, but admirable in its nature, and so essential as to reduce it, impossible either to suppress or neglect it, without destroying the democracy; I mean the law that authorises the very lowest citizen to appeal from a judgment of the whole people, whenever he is able to demonstate, that the new decree is contrary to the laws already established. It is also an additional check to the abuse of power by the legislature."

"Arbitrators called upon to decide affairs where one of the parties are their friends, or relations might be tempted to pronounce an iniquitous judgment; in such cases it is provided, that the cause may be removed into the superior courts. They might also permit themselves to be corrupted by presents, or influenced by private prejudices; in which case the injured party has a right at the expiration of the year to prosecute them in a court of justice, and compel them to defend and shew the reasons of their award. The arbitrators are also compelled to serve, under a penalty."

And here I will ask what is the trial by jury, which we have hitherto prized so highly, but arbitration with the assistance of the court composed of able lawyers? And when there is an appeal from the compulsory arbitration, is it not a return to that made of trial, and consequently an admission that there has been no improvement on it? Still I grant, that even this kind of arbitration may be useful, although it should not supercede the jury trial.

"In these circumstances, it is the invisible sovereign, it is the laws which loudly protest against the national judgment that has violated them; it is in the name of the laws that the accusation is brought forward; it is before the tribunal, which is the chief depository and avenger of the laws, that it is prosecuted; and the judges by setting aside the decree, only pronounce that the authority of the people has happened to clash unintentionally with that of the laws; or rather they maintain the ancient and permanent decisions of the people against their present and transient inclinations."

On the second point, I meet with a precedent, in the same state, the Athenian, and I quote from the same book. "I cannot overlook an institution which appears to me highly favorable to these, who, though they appeal to the laws, wish not to be litigious. Every year forty inferior judges go the circuit through the different towns of Attica, hold their assizes there, decide on certain acts of violence, and terminate all processes for small sums, referring more considerable causes to arbitration."

"These arbibtrators are all persons of good reputation, and about sixty years of age. At the end of every year, they are drawn by lot, out of each tribe, to the number of forty-four.

"Persons who do not choose to expose themselves to the delays of ordinary justice, to deposit a sum of money previous to the judgment, or to pay the fine (damages) decreed against the plaintiff, failing in his proofs, may confide their interest to one or more arbitrators nominated by themselves, or whom the Archon draws by lot in their presence. When the arbitrators are of their own choice, they take an oath to abide by their decision for which they cannot appeal; but if they are chosen by lot, they are not deprived of that resource; and the arbitrators inclose the depositions of the witnesses, and all the documents of the process, into a box, which they carefully seal up, and transmit to the Archon, whose duty it is to lay the cause before one of the higher tribunals."

"If the Archon has referred the matter in dispute to arbitrators drawn by lot, at the request only of one party, the adverse party has the right, either to demur against the competency of the tribunals or to allege other exceptions."

CHAPTER IX.

In which the author relaxes a little from the gravity of the preceeding chapters.

A noise was heard coming down the town, and a cavalcade accompanying. It was Clonmel the ballad singer followed by the piper, and the blind fidler; the one with his bag pipes; the other with his violin. Will Watlin was along and had a bottle in his hand; Tom the Tinker, O'Fin the Irishman, the Latin schoolmaster, and a number of others. The song sung was as follows:

Come gather away to the new town,
There's nothing but lilting there,
And piping and singing and dancing,
Throughout every day of the year.
No maid that comes here but gets married,
Before she is here half an hour;
The brown, the black, or the hair red,
To live single is not in her power.
Come gather away, &c.

We get our provisions for nothing;
Just knock down a wolf or a bear,
The wear and the tear of our clothing,
A dresse'd skin, or just in the hair.
No trouble, no bubble, no sweating,
Like people that live in the smoke,
We catch the fresh fish with a netting,
And roast them just under the oak.
Come gather, &c.

Our governor is a fine fellow,
Chief justice as blind as a bat;
The governor sometimes gets mellow,
And blinks himself like a cat.
No lawyers are here but a couple,

Just enough to keep up the breed,
The word of their mouth is a bubble,
And not worth a copper indeed.
Come gather, &c.

We have a fine printer, a devil,
To whack at their fees and the court,
Because that the rascals can give ill
Opinions that do us much hurt.
Good fortune, we have little money,
To quarrel and law suit about;
So turn up the bottle dear honey,
But see that you dont drink it out.
Come gather, &c.

The air of this country is clearer,
The water is clearer by far,
The words of our wooing are dearer,
Such words as a body can spare;
When we smother the maids with our kisses,
And they smother us in their turn;
I swear by St. Patrick that this is,
The best country that ever was born.
Come gather, &c.

The lads they go out a racooning,
Or take at a squirrel a shot,
If they knock down a fowl they are soon in,
To show what a fowl they have got.
Great shame to the Paddies below stairs,
That live in the country below,
Lie snoring, and sleeping on bolsters;
And lounging, one cannot tell how.
Come gather, &c.

Up to the mountains bog-trotters;
Our shamrocks are fresh and are green,
Set traps for your beavers and otters,
And musk-rats the best ever seen.

Though I am too lazy to rough it,
And go to the waters with you,
Because I have had just enough 'f it;
Don't like to be as rich as a Jew.
Come gather, &c.

Oh, what is life but a blister,
Put on we cannot tell where;
And sorrow herself is a sister,
To thinking and much taking care.
So let us be jovial and jolly,
And make out as well as we can!
Who knows whether wisdom or folly,
Makes the better or the happier man.
Come gather, &c.

The drone of the piper; the screeching of the violin, and the voices of the multitude, made such a noise, that one would have thought they were in Dublin; and had it not been that Harum Scarum, looking out, saw what it was, the Governor would have thought of issuing his proclamation to keep the peace; but the cause being understood, there was found to be no necessity, and the secretary with the leave of the Governor, took a turn with them. The editor of the journal seeing this, came out. The two lawyers filed in, a pedlar, and the bog-trotter. Being all together, a new song was struck up, and the whole joined in the chorus.

Who says we're not of all trades,
And some they call professions;
Who wear their wigs or bald heads,
Scotch, English, Irish, Hessians?

The lawyer and the journal,
Though of a different calling,
And long, so like to turn all,
To tails with caterwauling.

Yet here they join in melody,

Walk hand in hand before us.
And they may go to hell, the day
They spoil the general chorus.

The bat has but its living,
No more than has the cat,
The carter with his driving,
Tis all he can get at.

The tinker lives by blowing,
His bellows in the fire;
The lawyer lives by throwing,
His snout a little higher.

The pedlar goes the circuit,
And carries his small pack,
The judge has harder work o't,
Impeachments on his back.

So let us all be liberal,
Let one another live.
Dick, Harry, Tom and Gabriel,
Which ever way they drive.

The fidler and the piper,
The flute and fife agree.
The boatmen or the skipper,
Tis all the same to me.

O'Fin, come taste the jorum.
And Harum Scarum pledge,
And Horum Harum Horum,
Will take it next I'ngage.

Here's to the world of worthies,
That love a merry song;
Let all your topsy turvys,
Now drink and hold your tongue.

With respect to the fling at the economies, it was written *currente calamo*, and in the way of pleasantry. I am aware of the incapacity, and consequent presumption of an individual not master of reasons and circumstances, to undertake to judge of public measures, on a great scale. It is not from between decks in a vessel that we expect to hear directions to take in sail, or to steer upon a wind, but from the officer of the deck, who knows the ships way, what sail she carries, and sees the weather. Carping at public measures we do not understand, is not the part of a good citizen. I have no respect for the mere factious, especially when the country is engaged in a controversy with a foreign power. At the same time, unless there is a perfect freedom of opinion, those at the helm, will be at a loss to know the impressions which public measures give, and mistake silence for approbation. Hence the deceitful calm, succeeded by a squall as sudden, as destructive.

CHAPTER X.

Which treats of the writings of Tom Paine.

Having elsewhere spoken of Tom Paine, I take occasion to say something further respecting him. I have said he was an uncommon, but uninformed man. His writings during the revolution were of great service to our cause, and this was owing not to the novelty, or originality of his ideas, but to the peculiar felicity of his style, and the magic of his wit, which was understood by every one, and came home to every mind. If he had not written his work against the Christian religion, styled the "Age of Reason," he might have been remembered with gratitude, and his writings have retained the same rank with those of "Junius."

His thoughts on the subject of religion, which he believed original, had all existed in the doubts of the sceptic, although never expressed in the same popular language and allusion. He had no need to tell philosophers, that some parts of it were not confirmed by the progress of science; to those who had got over the difficulty, it was of no use, and to those who had never got into it, it was mischievous. For his vote in favor of Louis XVI. I could almost regard him as a philanthropist, if his motive, and walk in private life had corresponded. If, instead of his assault on revealed religion, he had given us a volume of incidents, depicting with his peculiar felicity of style, the follies and outrages of the French reign of terror which he must have witnessed, instead of a work to display the vanity of overturning ancient institutions, he would have rendered a service to the cause of rational liberty. The horrors of that dreadful state of anarchy, with crop after crop of atrocities, branching through every vein and artery of society. Although a lover of liberty, and for a time entertaining a hope of something better than the reign of the Bourbons, yet I was so disgusted with the scenes of the French revolution, during the excesses of that period, that I could not bear to read a paragraph of French news. I saw where it would end—it could not but end in despotism.* Tom Paine had not considered man's nature, in the tearing up of institutions by the roots. It is easier to pull down than to build up. In tearing down you destroy the good with the bad, and you have no certainty as to what may be erected in its place. It is very much like burning the barn to get rid of the rats, or plowing up a field of corn, to destroy the weeds.

Even supposing the representation of the theologians to be unsupported by sound reasoning, why dissepate an illusion, which is a source of so much relief under present suffering, and holds out so high a hope to the believer, doing no injury to the order of society, but tending to preserve peace and harmony. He should have left the priests alone, who had trouble enough without the enmity of Thomas Paine.

If we reject revelation altogether, there is an end of religion, for the heathen mythology, was only the belief of the vulgar among the ancients. If we could impanel a jury of such men as Plato, Socrates, Cicero, Aristotle, Epatchs, and Seneca, it cannot be doubted that they would give their verdict for the Christian over the Mahometan, or Jewish religions. The only question would be between the three, and no religion at all.

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* We see the same result at the present day, whether this is to be ascribed to the want of checks and balances in the government, or to the character of the people, it is difficult to say.

At the same time, I have no respect for those narrow minded bigots, who are constantly alarmed at the progress of science. They are only sceptics of another kind. They unconsciously betrayed doubt, and want of confidence, by their efforts to avert investigation. These are the men who uphold witchcraft, and the revolution of the sun, through fear that the contrary may be inconsistent with particular passages of scripture. We must look at the general scope and object of revelations which have reference to those things which science and mere unassisted reason cannot reveal. When Plato read his dialogue on the immortality of the soul, all his school rose up save Aristotle—I presume the logical mind of the youth thought the reasoning unsatisfactory.—Those who accept it as a truth *revealed*, have no need of inquiring further.

CHAPTER XI.

The lay preacher is appointed Chaplain by the Governor.

The lay preacher having been announced by the faculty, sui compos, and come to his reason, had been dismissed from the hospital, and had come to the new settlement. This was now a kind of Botany Bay to the old country, with this difference, that here the outcasts came voluntarily, but there of force. The Governor received the lay preacher with courtesy, and made him his chaplain. The Sunday following, he preached to a numerous congregation in the chapel, in the woods. His discourse was taken down in short hand by the editor of the "Twilight," and has appeared in his paper. As it would seem worth preserving, we have copied it and given it in this work.

THE SERMON.

Shadrach, Meshech, and Abednego.—Dan. iii. 12.

These are the Hebrew names for Tom, Dick and Harry, and applicable to this settlement, which is a colluvies of all nations: Mac's, O's, and Ap's; Erse, Irish and Welsh. But as in a garden, a variety of seeds and plants is desirable, so in a settlement where the human species is about to be cultivated, and this not only for the sake of what pleases the fancy, but what is useful for the kitchen, or for medicine: so let no uncharitableness prevail among you, and one cast up to the other, his origin, former occupation, or character. I presume there would be but little to gain or lose on a fair balance, and set-off, as the lawyers say among you. But it is best to consider all accounts squared, and set out in a new partnership.

It falls to the lot of my function, to see what good advice I can give; for it is by admonition only that I can serve the commonwealth. I shall content myself with some things merely temporal.

The sin that most easily besets a new settler is laziness, or, to give it a more civil term, indolence. He gets the means of life easily: he sets a trap over night; or he goes out with his gun in the morning, and kills game. The flesh serves for food, and the skin for covering. The soil is fertile, and yields some thirty, some forty, some sixty, and some an hundred fold. This just by a little stirring of the hoe. For you must know that I myself have been brought up in a new settlement, and know the history of such. Though that settlement, in which I was brought up, is now an hundred miles below us, not by the sinking of the earth, but by the frontier pushing back, and settling beyond it. Indolence, I know, is a vice of that situation. For necessity is the mother of invention, and impels to labour.

"Duris in rebus urgens agestas."

said the Latin schoolmaster,

"Improbus labor omnia vincit."——

Drive out that fellow there, said the sexton. He disturbs the congregation.

The preacher proceeded.

Now, if a man can live without working, he will not work. The cattle of a settler browzes in the woods, and subsists even in the winter without other shelter or food, than the under-wood, and such shrubbery as covers the head of a valley, where the soil is dry, and the spring rises. The wilderness obstructs the course of the winter winds, and the cabin is warm on the south side of the hill. Hence the temptation to indolence.

But there is a worse sin that easily besets the settler in a new country; these especially that settle in a town, where there is usually a tavern, a store, and a race ground for the horse jockies. This sin is intemperance. Horse jockeying, shooting matches, and all elections, are an inlet to this. Show me a man that frequents the county town much, and I will show you one that is in the way to contract a habit of intoxication. The little peltry he may have got to buy himself a hunting shirt, or a little tea and sugar, for his family, goes into the whiskey bottle.

Now to the application, said Harum Scarum, this will do for the body of the sermon.

As to application, said the preacher, I will leave that to every man to make for himself. You can all apply the doctrine as well as I can.

"Non omnia possumus omnes."

said the Latinist.

Will not that fellow be quiet yet? said the sexton, drive him out.

By the bye he was out already, for the woods was all the chapel that they had; and a rising ground for the pulpit; but the sexton meant to remove him from the circle; and it was so understood; for they pushed him back to some distance.

The governor reprimanded Harum Scarum for his interruption, also; for though this could be considered but as a substitute for preaching, until a regular clergyman came forward; yet, in the mean time, the rules of propriety ought to be observed, and interruption or desultory dialogue was improper.

Harum Scarum asked pardon, but wished the preacher would stick a little more to his text, and illustrate the words "Shadrach, Meshach and Abednego."

The preacher said he had done that already, and would not return to it; but, as the usual time had elapsed, he would now end his discourse.

CHAPTER XII.

Containing a dessertation on common sense, the most uncommon of all kinds of sense.

After thinking a good deal upon what might be given as a definition of common sense; in other words, what phrase might be substituted in lieu of it; for that is what is meant by a definition: I would try whether the phrase natural judgment would not do. Getting up a little in the world, and examining mankind, there was nothing that struck me so much, as to find men, though eminent in a profession, seeming to want judgment in matters of knowledge, which was common to me with them.* I took it for granted, that it was owing to the mind being so much employed in a particular way. That is a good deal in this. For a mathematician, capable of demonstrating all the problems of Euclid; and even of inventing shorter and clearer methods of demonstration, may be incapable of comparing ideas, and drawing conclusions on a matter of domestic economy or national concern. For though a great deal may be owing to a knowledge of the particular subject, and a habit of thinking upon it; yet as much or more depends upon the natural judgment. I will select the instance of a lawyer, because it is in that profession, that I have had an opportunity, the most, of examining the original powers of the mind. In this profession I have found those of the highest reputation of legal knowledge, and who were so, and yet were not the most successful in particular causes. The reason was, that though they had a knowledge of rules, they failed in the application of them and had not given good advice, in bringing or defending the action in which they had been consulted. Or whether the cause were good or bad, they had wanted judgment in conducting it. The attempting to maintain untenable ground; or the points upon which they put the case, showed a want of judgment. It is the same thing in the case of a judge. The knowledge of all law goes but a little way to the discerning the justice of the cause. Because the application of the rule to the case, is the province of judgment. Hence it is that if my cause is good, and I am to have my choice of two judges, the one of great legal science, but deficient in natural judgment; the other of good natural judgment, but of no legal knowledge, I would take the one that had what we call common sense. For though I could not have a perfect confidence in the decision of one or the other, yet I would think my chance best with the one that had common sense. If my cause was bad, I might think I stood some chance with the learned judge, deficient in natural judgment. An ingenious advocate would lead off his mind, upon some quibble, and calling that law, flatter him upon his knowing the law, and lest his knowledge of it should be called in question, the learned judge might determine for him. For there is nothing that alarms a dunce so much as the idea of reason. It is a prostrating principal that puts him upon a level with the bulk of mankind. The knowledge of an artificial rule sets him above these, and is, therefore maintained by him with all the tenacity of distinguishing prerogative.

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* On the trial of Blannerhasset, a witness was asked whether Mr. B. was not a man of superior understanding, he replied he had all kind of sense except *common sense!*

But it does not follow, that I undervalue legal knowledge in a lawyer, or judge, or resolve all into common sense in that or any other profession or occupation.

I select, in the next instance, that of a physician. What can one do in this profession, without medical knowledge? And yet without good sense, the physician is as likely to kill as to cure. It is the only means that one who is not a physician himself has to judge of the skill of one who calls himself such, what appears to be the grade of his mind, and his understanding upon common subjects. We say, he does not appear to have common sense; how can he be trusted in his profession? Common sense, I take to be, therefore, judgment upon common subjects; and that degree of it which falls to the share of the bulk of mankind. For even amongst the common people, we speak of mother wit, which is but another name for common sense. If I were to be requested to look for a man of sense, I should be as apt to find him on the tailor's board as on the judge's bench.

Clergy wit, is that of school learning; or the lessons of science, in which a dunce may be eminent. For it requires but memory and application. But the adage is the dictate of experience, and the truth of it is eternal, "An ounce of mother wit is worth a pound of clergy."

We speak of an egregious blockhead, and say, he has not even common sense: that is, he has not the very thing that is necessary to begin with; and which every person is usually endowed with, that has the proportions of the human form. It seems to be something bordering on instinct, and resembles it in the uniformity and certainty of its operations. It is that without which, it is not worth while attempting to make a great man. What is a general without common sense—that is, natural judgment? But why talk of generals, or lawyers, or judges or go so far from home? Where we see, as we sometimes do, the want of natural judgment, in the management of a man's own affairs, on a small scale; whether of manufactures, or farming, we say that he cannot succeed; and in general, though not always, the want of success in common pursuits, is owing to inexperience, or a want of natural judgment. A labourer once worked two months with me to buy a cow for the use of his family, but instead of the cow, bought himself a broad-cloth coat, when a woolen wambus would have answered as well. He soon after complained that his family was suffering for want of food. So the quibbling in a matter of contract; the evasion of fulfilment, is a want of natural judgment. I think the poet says,

"The want of honesty is want of sense."

There can be nothing more true. And I think it is remarkable, that in those divine writings, which we call, by way of eminence, the scriptures, dishonesty is called folly; and honesty wisdom. In truth, I feel at times almost as much indignation against a fool as against a rogue, and it is even doubtful which is the most mischievous. I hear of one having the reputation of being simply a man of sense; I cannot well conceive a higher testimony in his favor, no matter what may be his situation in life.

Common sense is that degree of understanding which is given to men in general, though some are peculiarly favoured with uncommon powers. But no man can be said to have common sense, who is a knave. For, of all things, it is the strongest proof of a want of judgment npon an extensive scale. Had I the world to begin again, with all the experience that years have given me, and were to think myself at liberty, from all considerations of duty or obligation; yet, on the principle of self-interest, I would be honest, and exceed, rather than come short, in giving to all their due. For it is the adage, and as true as any of the apothegms that we hear, that honesty is the best policy. Indeed all the rules of morality are but maxims of prudence. They all lead to self-preservation; and had they no other foundation, they would rest upon this, as sufficient to support them. The discerning mind sees its interest as clear as a ray of light, leading it to do justice. Let me see any man quibble and evade, cheat or defraud, and I do not say constructively, and with a reference to a future state, but in relation to this life, and his temporal affairs, that he is unwise; that is, he wants the judgment to perceive his true interest. This is the presumption; and when knavery is found to consist with strong powers, I resolve it into defect of fortitude, or want of resolution, to be what the man must know he ought to be. The

——Video meliora proboque
Deteriora sequor————
"I know the right, approve it too,
Condemn the wrong, but still the wrong pursue,"

Is correct. Present gain is preferred to future good: like the savage who wishes the tree cut down, that he may have all the fruit at one season. The feelings of resentment, or of love and strong passions, ambition or avarice, like tempests on the ocean take away the presence of mind, and baffle the skill of the navigator. Therefore my reasoning does not apply in cases where the passions are concerned, but in a case of dispassionate judging, as in a matter of meum and tuum, between indifferent persons; or where the question may be, by what means an object is most directly attainable, the strength of natural judgment, or common sense, shows itself. Where the crooked path is chosen, or the false conception is entertained, we say there is a want of common sense.

In throwing out these reflections of a moral nature, I refresh myself a little in the course of my memoir, and present a chapter, now and then, like an Oasis in the great sands of Africa: here the reader, like the Caravan, may stop for a little time, and taste the cool spring, or nibble a pile of grass; and go on again. In short, all other parts of my book will appear to some, a wide waste, producing nothing profitable. To them, a green spot of moral truth, now and then occurring, will reconcile to the traversing the desert; or rather, in passing the sands, will give relief. Were it not that I am afraid of lessening too much the chapters of amusement, and so losing readers, it would be more agreeable to my own mind to moralize more. But I must not forget, that it is only by means of amusing, that I could get readers; or have an opportunity of reaching the public with my lecture. This will be as it may; but it has always been amongst my apologies for this play of fancy, in which I have so much indulged my imagination.

I add a thought or two on the subject treated of in the beginning of this chapter, common sense. We find in the poet Horace, Sat. 1. line 66, this expression:

"Communi sensu plane caret"——

He wants common sense. The poet applies it to his own case, as what might be said of him, when at any time he had interrupted unseasonably his patron, Mæcenas, when reading, or intruded upon him when engaged in business.

"Simplicior quis, et est qualem me sæpe legentem
Aut tacitum, impellat quovis sermone molestus?

This had evinced a want of attention to circumstances, and so far, a defect of judgment. A want of discrimination, it may be inferred, is a want of common sense, a want of that which is the foundation of manners, as well as morals, as it is the source of prudence, and true wisdom in thought and action.

CHAPTER XIII.

Indian hostilities—a war party attacks the settlement—is pursued, and Teague by accident becomes a hero, and is made a general.

The frontier settlers, as usual were at war with the neighbouring Indians. These were robbed of their beaver, their hunting grounds were invaded, and in revenge they took the scalps of the whites, man, woman or child, wherever they could. A party had lately broken into the settlement, and dislodged several families, scalping, killing, and burning, and then hastily retreating. A party of settlers had gone out in pursuit, and among the rest was Teague. The bog-trotter reflecting with himself, that the savages were not likely to be overtaken, and so no great danger of fighting in the case, did not greatly hesitate to be one; inasmuch as if they should overtake these freebooters, there was such a thing as running from them, as well as after them. But after a few hours march, coming upon a trail of these, which appeared to have crossed the settlement in a transverse direction, the word Indians was given ; which Teague no sooner heard, than he began to retrace his steps with some alacrity. It was on a ridge or bend of a hill; the Indians crossing the hill, had gone into the valley, and came round again nearly to the place where the whites had ascended it. It happened therefore very naturally, that the Indians and the bog-trotter, though neither meaning it, had fallen in with each other; the bog-trotter on the flank of the Indians. It had been for the sake of water to boil their kettles, that these savages had gone down to the valley and encamped the night before. Being now on their way to regain their direction, it happened that they came into the rear of the party pursuing them. The bog-trotter had by this time accelerated his speed considerably, and the declivity of the hill was such that he found it impossible to arrest himself, being under the impetus of the projectile motion which he had acquired, coming on them so unexpectedly, and seeing nothing before him but death from the tomahawks of at least thirty Indians, he raised the tremendous shout of desperation; which the savages mistaking for the cry of onset, as is customary with them when they are sure of victory, to raise the war-whoop ; magnifying the shout by their imaginations into that of a large party overtaking them, they threw away their packs and scalps, and made their way towards the Indian country; not doubting but that the whole settlement was in pursuit of them.

When the party of whites came up to the brow of the hill, and saw the bog-trotter in possession of the ground and the booty, they took it for granted, that singly and alone he had discomfitted the indians. It was a divel of an engagement said he; by de holy father, I must have shot at least a hundred of dem; but de fun o' de world was to see de spalpeens carrying of de wounded on deir backs like shape stalers.—And did you stay so long back and not come to de battle? Oh! if I had had two or tree good tight boys along wid me, when I came up wid dem, I could have kilt de whole, or made dem prisoners. Bad luck to ye, if it wasn't for de shame o' de ting upon de country, I would have a court martial upon de matter; but as to de packs and de booty, it is all my own. I had taken dem before you come up; and the divil a hand had you in de victory.

This was not disputed, and the matter was accommodated; on its being agreed that nothing more should be said about the court martial.

Though upon a small scale this was thought a very brilliant affair of the bog-trotter. A sword was offered him, and there was a talk of making him a major-general. In a republican government, the honest souls of the people are lavish of their gratitude; though they sometimes mistake the merit, or demerit of services. And how can it otherwise be when the people cannot themselves be all present to see what is done; nor, if they were present, and could see, are the bulk capable of judging in what case success is to be attributed to design or to accident; and indeed where the design and execution may have been all that human foresight and resolution could promise or perform, yet the event may have been unfortunate. Fortune de guerre, applied to an individual, may be applied to measures. There is a fatality in some cases that baffles the wisest councils, and the most heroic enterprize; and again a kind of magic, or something like a charm that turns to account what in nature and the ordinary course, ought to have produced nothing but disappointment, and the reverse of what has come to pass. Old generals are not always the most successful, because they are afraid of accident and leave too little to chance, while the know nothing, fear nothing, has oftentimes been the secret of fortunate adventure.

When it has been said that men have been taken from the plough, and put at the head of armies, it does not mean that they have been taken from drawing the plough, in the manner of oxen or draft cattle; but that they have been taken from holding the plough, while these averia carucæ, or beasts of the plough, not liable to be distrained by the common law, drew the plough. I cannot cite an instance of those actually in traces, being cut from these, and turning out great generals; but it could not be said to be far from this in some instances. It is certain, that one may take a hundred diplomas, and still be a dunce.* For nature is above all art, and let what will be said about discipline, a little mother wit, as in all other sciences, goes farther to make a great commander, than tactics without it. The theory of keeping the head upright, and handling the firelock, is doubtless a good lesson to begin with; and the positions of the body, and the movements of the feet, are beyond all question, useful to be taught to the young soldier; and on these will depend facing and forming; wheeling, or flanking off with slow or quick movements. But with all this, the general has little to do. It is the office of the drill sergeant, and the adjutant of the regiment, or of the subalterns and officers inferior to a general.

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* Franklin was self-taught—Priestly was highly educated—Washington was self taught—Burgoyne was an elegant scholar—Hamilton was self taught—Madison had all the advantages of the college. We might run these paralels without end—Clay and Webster, our two best orators would form one of those, one self taught, the other educated.

It takes a long time to be perfect in these; but the eye that can choose a ground, that can arrange and dispose a force, a mind that can reach the exigencies of the day with foresight, relieve and remedy unforseen accidents, make the general. A weak mind, and slow perception, with all the tactics that can be taught, and all the lessons, from experience, that can be given, whether from reading or seeing service, can go but a little way. A military man may have Folard in his head, with all the notes that may have been written upon him, and yet be unequal to the conduct of an army; for general rules cannot in their nature be always applied to particular cases; and something new in most, if not in all, will occur to diversify the situation, so that good sense and natural judgment, is the first thing to be considered in the appointment of one who is to conduct an expedition. But it is not an easy matter, or rather it is not posssible to discover and select such, with certainty, for officers, at the commencement of a war. Some, like Clive, are born generals, but they are not met with often. The pressure of affairs must throw them up, as the element of air rises when terrene substances subside. A war alone can find out choice spirits to whom a command may be entrusted. For a long time merit may be obscured, and talents remain undistinguished, while even cowardice and blunders may, in a particular instance, give a temporary reputation. When I am told that such a one is reputed, simply a *man of sense*, I think I see a foundation or groundwork, which gives me assurance that that person may be trusted any where, and without it, there is little confidence in any thing he may be engaged to perform.

Teague was spoken of as a major-general, when he ought to have been dismissed the service, could the truth have been ascertained. But appearances were in his favour; for who could think that, but for the most desperate courage, he would have attacked sixty or an hundred Indians—fifty or sixty, at least, it was said? For, the prisoners rescued, spoke of there being that number. These prisoners, chiefly consisting of individuals half dead, were incapable of distinguishing the circumstance of the bog-trotter, being precipitated upon their captors by an involuntary centripetal force; or the ell of despair, from that of desperate resolution. And as their gratitude was lively for their deliverance, they yielded to no cold examination of the manner in which it was brought about. As for Teague, like Achilles, he claimed every thing for himself—

Nihil non arrogat armis.

Though but of the grade of a corporal when he went out, he now thought himself entitled to be made general O'Regan. He had at this time, certain it is, the perfect confidence of the people, who were clamorous for his appointment, and indeed he might be said to be forced upon the governor.

Teague, said the governor, you know that you are no such kill-devil as the people take you to be. This affair of yours was but matter of accident; and instead of being promoted, you ought to have been broke for it. Were you not actually running away when you fell in with the indians?

Love your soul, now, said the bog-trotter, that is always de way wid your honour, to make noting of de greatest battle dat was ever fought since de times of de ould wars in Ireland, when Phelim O'Nale kilt a hunder men wid his great soord, and dey were nothing de wiser for it. How could I get down to de bottom o' de hill, if I had'nt jumped upon dese Indians when I saw dem, and de party of militia dat were after me, but so far behind? Had dey come up in time, divil an Indian would have gone to deir own country, bad luck to dem. Give me a tight little bit od an army wid me, and if I dont take de whole o' dem widin tree months at fardest, den you may say, I am not Teague O'Regan.

I thought it of little consequence, said the governor, to countenance your ambition, Teague, inbeing a candidate for the legislature, or in being made a judge. The one or the other of these being a province in which property only is concerned; unless, indeed, in the case of a judge, in whose way, it may come sometimes to hang a person, though a jury must be accessary to it. But it is of more moment, to put a brigade or two of lives at a time, in the power of an incompetent person. It is not your inexperience that I so much distrust; for I am well aware, that as the good constitution of a patient often saves the credit of the physician, so the bravery of troops may gain a battle, which the want of skill in the commander had put in jeopardy. But it is your natural judgment that I distrust. I have never been able to discover in you, comprehension of mind that would seem to me to fit you for a general. I have no doubt of your being capable of being made, in due time, a good parade officer; attentive to the minutiæ of dress, or movement of the body; or to wear the hat on a corner of the head; or to give words of command, such as face, march, halt, wheel, &c. in a broken sort of way, with the brogue on your tongue; but all requisite comparing, and contriving, and reasoning, I have not a perfect confidence in your capacity. For instance, suppose you were called upon for the plan of a campaign, or battle, or even for the attack on a military post, tell me what you would do? As for dat, captain, said Teague, give me de commission, and give me de boys, and I'll show you de plan. If that is the case, said the governor, and the people will have it so, in a republican government, they must be obeyed. Nor does it always follow in a monarchy, that the ablest men are appointed to offices. For favour, and family, or party interest, will raise, and sometimes support the unworthy.—But take notice that you have got a great reputation, and much will be expected of you. The smallest disappointment in the expectation of the people, will trundle you down as fast as your fears precipitated you from that hill above the Indians, where you got a victory, or at least a pretty good booty. You think that you will be able always to stay in the rear, and send your men on before you. On the contrary, it will behoove you sometimes to reconnoitre; and in that case, you will be under the necessity of exposing yourself to sharpshooters and batteries. A cannon ball may take your head off, though at the distance of a mile or two. The post of danger is not always a private station. Charles the XII, of Sweden, was shot through the head with a musket ball. This thing called grape-shot, is a disagreeable kind of article, coming about the head and ears, like flakes in a snow storm. We had pretty hot work of it at Monmouth, and Brandywine, and at some other places during my tour of service. You may escape perhaps, with a shoulder taken off, or hip shot away; or if a skilful operator is at hand to take off an arm, it does not always follow that a man dies, though when the brains are out there are very few that survive it. The smoke and fire of musketry and big guns, and the hurly burley of men pushing beyonets, is nothing to the war whoop of Indians taking off scalps; which, I take it, you would not mind much, being a little used to think about it.

Here, O'Regan put his hand to his head, as if feeling whether the scalp was yet on.

By de holy faders, said he, if dis is de way of being in one of dese battles, it is a better commission to be bog-trotting wid your honour. Keep d' your papers, and give it to some fool dat will take it. I'd radder have a good warm scalp upon my head, dan all de commissions in de nation; and my legs and my arms to my body, and my body to my legs and arms. For having been so long togeder, slaping in one bed, and eating at one table?

The governor being thus relieved from his embarrassment, by the resignation of the bog-trotter, took back the commission. It was a sufficient apology with him to the people, that general O'Regan, for reasons best known to himself, had thought proper to decline the appointment of general.

Independent of any concern for the people, which the governor might have had, it was matter in which his own reputation was involved, to have made such a person a general officer; not merely because a novice in military matters, but because nature had denied him talents. And though it might be a considerable time before his want of intellect, to any great extent would be discovered ; and like some others, he might go through a long life without being detected ; yet, without this good fortune, it would at last be made known. And when, for some blunder, he might be brought to a court martial ; and, perhaps, for cowardice, be sentenced to be shot ; it could not but be an unpleasant thing to him to have to approve the sentence, which he would be under the necessity of doing ; and there might be no recommendation of mercy in the case.

There is something in being accustomed to hear sounds ; for they affect less ; and therefore amongst the ancients, an old soldier, or veteran, as he was called, could stand better the clatter of the sword upon the shield, when the armies were about to engage, to use the language of the poet,

> " Clash on their sounding shields, the din of war ;"

the sound of the trumpet also ; and above all, the shout of battle, so terrible, especially when charged with the electric fluid of liberty : for I have sometimes thought that the human voice, instead of mere brutem fulmen, may be actually charged with a subtle kind of electricity. So it must be of use, in our time, to be accustomed to the report of artillery, or any sort of fire-arm, though nothing but sound. But, in any other respect, I do not know that a subaltern, or other officer, who, in a subordinate capacity, may have served campaigns, has much the advantage of the inexperienced ; and certainly their vigour of body and mind being less than younger men, are not so for enterprize. Yet at the commencement of a war, it is usual to look out for such as have seen service. But because an officer has behaved well in a subordinate station, it does not follow that he is equal to an independent command. It has been seen in the French revolution, in how short a time men have become generals, from the lowest grades. It is on this principle that I would sooner trust a man of good sense, who had never seen a battle with the conduct of troops, than one who had seen the campaigns of half a century, without powers of mind.

Some credit was due to the governor, for managing the matter so as to make it O'Regan's own act to decline the honour; when, not to have appointed him in the first instance, or to have superseded him afterwards, would have been a thing so unpopular, that it would have shaken his own standing to have attempted it. There is nothing so difficult as to manage the public mind. It must be done by the lever, or the screw, or other mechanical power, to speak figuratively, and not by direct force.

CHAPTER XIV.

The Justice of wars, British and American.

With the exception of the war of the revolution, I fear commercial avidity and gain have been at the bottom of all the wars which have engaged nations, and those with this country, have had their origin in the unjust and unwise policy of Britain. I must pronounce this sentence on her councils, though born in her island, and strongly attached to her true interests, and true glory, and an admirer of all her lustre in literature and the arts. I see her conduct in a different point of view on the shores of the Delaware, or from the banks of the Ohio, than from the Thames, or the Frith of Forth, or the Clyde. But not to enter into general speculation, I confine myself to the wars waged with these States; and if future historians do not say that these were unjust on the part of that island, I have never been capable of discrimination in the right and wrong of things. That resistance on our part was at least just, I will contend: for how else could I reconcile it to myself to celebrate our victories, as some do who affect to think, or really do think our cause bad? And yet there is this inconsistency in men's mouths: for there are those who speak of our achievements by land or sea, where we have been successful, as the deeds of heroes; and yet unjust, which must make it murderous. For an officer may resign, when an unjust war is declared; and ought to resign, and refuse to be accessary to the homicide which it occasions. With what conscience, then, can a man, opposed to war generally, or to a particular war, from the grounds of it, allow praise to those concerned in it? It will be said, he may praise the valor of the soldier, but arraign the cause in which he has fought. There would be the same reason in the case of Barrabas, a murderer and robber amongst the Jews, who deserved a crucifixion.

As to all war being unlawful, it is but the opinion of a subdivision of the Christian denomination, founded on the taking in a literal sense, what was spoken in a figurative, by the author of our religion. But, that a war of ambition, or springing from the love of gain is murder, I can entertain no doubt. It is chargeable, as homicide, upon the prince or country, who wages it unnecessarily, or without just provocation.

The people were the more reconciled to the circumstance of not getting the bog-trotter appointed a major general, inasmuch as there ceased to be an occasion for one. The Indians humbled by their late overthrow, were disposed to treat; and the settlement having collected a few blankets, were willing to part with these, to save their scalps. An Indian treaty was held, to which Teague was commissioner, and being told that he was the warrior who had discomfited them, they were the more disposed to listen to his terms. There were Red Jacket, Blue Jacket, Yellow Jacket, Rattle Snake, Terrapin, Half Moon, and Half King, on the part of the Indian nations. The bulwark of the Christian religion, underhandedly, by means of traders who passed for Indians, having assumed their dress, and could speak something of their language, secretly opposed the treaty; but with the aid of a few kegs of whiskey, it was carried against them. The hatchet was buried deep, and an oak tree, figuratively speaking, was planted on it. The chain was brightened, meaning the chain of friendship. The whites were called brothers, and belts of wampum were spoken from; and the usual ceremonials of a treaty gone through, when the Indians returned to their own country, apparently satisfied with what was done.

The bog-trotter was in his element in the transactions of this treaty, drinking whiskey, and shaking hands with the Indians. It was not to be wondered therefore that his popularity increased. But a very extraordinary circumstance gave a new direction to his mind, and put him upon another scent. A camp meeting was shortly after held upon the very ground the Indians had quitted. The nature of this convention is well known in our times; but for the sake of posterity, it may not be amiss to give some idea of it. The inhabitants collect even from a great distance, and carry provisions with them, and baggage wagons. They encamp usually in a wood near a stream of water, for days together; forming this assemblage for the purposes of religion: exercising their minds in prayer and singing sacred songs and in preaching, and in expectation, that by mutual sympathy, their zeal may be increased, and their devotion rendered more fervent. Certain it is, that this assembling has the effect of agitating the mass greatly. Convulsive gestures and shouting, are symptoms of a mind under strong excitement, and overwhelmed with intense feeling. Philosophers, and some physicians, think it a disease of the mind, and call it an epidemic phrenzy of religious fervor.

The governor considered all this as but madness and fanaticism, yet he did not interfere with the people in their visions, and extacies; knowing that the phrenzy after a time will always dissipate, and the subjects of it come to their right reason, and settle into the most sincere and sober works. His ideas on the subject of religious toleration were correct; and though he disapproved of founding religion in passion, it being a thing of reason, judgment, and habit, yet he had seen that by directly opposing this error of the understanding, the pride of the multitude was greatly offended. For, in his opinion, it was but a spurious, or, as a scholar would say, a pseudo-religion, which did not make a man more just. I incline a good deal to his way of thinking. But there are others who entertain different notions. I admit that a Boanerges may do something towards rousing the attention of a rude and thoughtless multitude; or of a hardened individual, and this by a loud voice, and alarming representations of the consequences of a vicious course in this world, which is but mere noise and tumult and convey no ideas; and the effect cannot be lasting, nor the reform produced permanent. For which reason I place religion in the understanding; though doubtless the hopes and fears of the human mind may be considered passion: and so far as this goes, I agree that in planting religion in the heart, we are to pray in aid of the passions. But the truth is, I incline to think with those who consider all religion as but the cultivation of good habits; and this from the consideration of present convenience, and future happiness. I say present convenience; because there cannot be a deviation from virtue, and even common prudence, without bringing with it a degree of punishment to the individual, even in this life. He that looks deeply into things, may see, that all creation is governed by wise and universal laws, which afford the most perfect evidence, of the wisdom, as well as the existence of a Creator. It is the same laws which regulate inanimate substances, and organized, and inanimate bodies,from the lowest in the scale, up to man, who is the highest. They cannot be violated with impunity. These laws were perfect from the first, on each thing in its kind, and little left to chance, if there be such a thing as chance, which is nothing more than our want of capacity to trace the connection between cause and effect. And if there is a future state, which philosophers may doubt, but cannot avoid hoping, the condition of an individual must take its complexion from what has been done here. But I do not say that every good deed receives its full proportion of reward here, nor every evil deed, its correspondent degree of punishment. I speak of the general operation. For the strongest argument from natural reason in favor of a future state, is that this is not the case in this life: and therefore there must be another, to fulfil the law of perfect justice. But I would sooner take my chance with the conscientious moralist, than with the rapturous enthusiast, who has more sail than ballast in his devotion. "Do justice, love mercy, and walk humbly before God," I take to be the religion of reason, as it is of revelation, and to that I hold. Let us injure no one, and at the same time, do all the good we can. Active, not merely passive, benevolence, is the moral fruit of true religion!

CHAPTER XV.

Containing a somewhat dry disquisition on the nature of the good and evil of Republican governments.

As we are on the eve of a republican government, in this new settlement; or rather chaotic government, that may in time be reduced to a republic, it behooves us to consider a little what are its evils, and the causes of its overthrow. Laying aside those which are common to all governments, and amongst these, the incapacity of those that govern, it would seem, in a greater degree than perhaps any other, that in a republican government, fault is found with those that govern; and weakness, or wickedness is imputed even to the wisest measures. And this on the plain principle of self-love; because every man covets distinction, and is ambitious of power; and where the government is by representation, all cannot have office at the same time although the right is equal to all. Hence it is, that those out cannot be those in; for that would be a contradiction in terms, and in the nature of things. For it is a quality of matter that two bodies cannot be in the same place at the same time. How otherwise can the body that is out, be in, but by removing the opposing body that is in possession of the place? But where we have to do with mind, it is not by the effect of material force that this can be accomplished. Laying the shoulders to, will not answer the purpose; nor will a baton or a stick compel the giving way. It must be by the force of opinion. Hence obloquy and defamation in the election; and when that is gained, no qualification for the trust, or virtue in office is to be allowed to the successful candidate. The great moral of this book is the evil of men seeking office for which they are not qualified. But there is another evil, as I have said, the detraction from even the good qualities of those in power, and the denying credit even to the prudent acts of an administration. The divines tell us; at least the divines of some denominations, that even the good acts of bad men have in them a motive which turns them to sin. As two parties, therefore must unavoidably exist, in every government of the people, the ci-devant or ex-representatives, with those who have not yet been representatives, on one side, and the present incumbents on the other, a continual war must be carried on; the true motive and object kept out of view. I have thought sometimes of putting in plain language, what those on the outside the house, looking in, would say, were they to speak out, to those congregated within the building. I mean, were they to speak without dissimulation of the motive, and the object. Let us suppose the opposition convened, and if they could be kept from sticks and stones, and use their tongues only, without prevarication, would not their oration be somewhat in the following vein and tenor.

"You seem to be pretty well lodged, good folks, and have got a pretty decent house over your heads; while some here are obliged to stand without, that are perhaps not less deserving than yourselves; and amongst these not a few who know what it is to sleep in-doors, and to partake of the hospitality of the government. You take it hard at our hands, that we do not approve of a single act that you do, or of a single measure that you take. It does not suit us to approve; because our object is to get you out. If the man at the helm steers N. by W. we say it should be N. by E. And so through all the 32 points of the compass, should he vary his course accordingly. If he should be steering a course directly S. we would arraign him for a fool, to attempt to steer in the wind's eye; and if he should alter his course a point or two, we would exclaim that he was steering in the wind's eye still; for the wind has changed. Bear away, luff up, it is still wrong. Do you not see breakers ahead? we will say. And when he puts about ship, the breakers will be on the other side; and this, though in the middle of the ocean, where no lee-shore can be found. The secret of opposition is to find fault with whatever may be done. If there is really fault to be found, the matter is easy. Every dunce may enlarge upon this. But where the measure is a dictate of prudence, and the result of consummate wisdom, *hic labor, hoc opust est.* It will require more talents, or at least more industry, to make it appear bad policy, and defeat it. Even if it should succeed, no credit is to be given. For though it happened to hit, yet upon the whole it was a mischief from the bad consequence that will follow. You talk of candor. Where was your candor when we were in? Was it not by exciting clamour against even the wisest measures that you got the people on your side, and put us out? You have the good sense to pursue the very measures, in some instances, which you exclaimed against. But you say that the evil cannot be corrected all at once; or it would cost more to undo what was done, than to let it stand as it was. Is this candor? The fact is, all idea of candor is out of the question. It is your places that we want; we care nothing about your measures. The better they are, the worse for us; and we are, on that very account, the more disposed to find fault.

"You will say, we are not good citizens. But, we are good partizans. There is a wheel within a wheel in all governments; and it is the inner wheel that those out of power have to work; and not the outer wheel. You that are in power have to turn that; and it is our part to stop it if we can.

"Stop the wheel of government," means the outer wheel; for the inner wheel never stops. It always goes a contrary way to the outer wheel; or, to speak mathematically, moves in a contrary direction; but not that the movers mean to stop the outer, altogether; but so to impede the movement, that the machine in the hands of those that seem to have the direction of it, may appear useless, or defective in its operations.

"You talk of our invective, scurrility, &c. &c. &c. Are there not such things as stink-pots on board war vessels? Is it not against the laws of war to use these. At least it is not against the practice of nations? and it is the practice that makes the law; the usage of nations. The practice of our editors of papers, and of yours, is what sanctions what might otherwise be called abuse; for the very nature of personal abuse, is changed into the contrary by use. A dictionary of hard terms, might be composed out of the gazettes, to suit a particular party; but without sensible variation might serve all. It is a desideratum in political literature, that we have not such a book, for the use of schools. It might be made out of the newspapers; not that this would hinder the adding o the language, new terms; for speech is not made from dictionaries; but dictionaries from speech.

Sic valet usus
Quem penes arbitrium est, et norma loquendi.

New terms of reproach will at all times spring up, and old die. This, the poet, speaking of all languages, correctly states.

Nedum sermonum stet honos, et Gratia vivax,
Multa renascenter quæ jam cecipere cadentque
Quæ nunc sunt in honore vocabula.

"Nothing offends a Frenchman so much as to be called Jean Foutre; or an Englishman to be called a John Bull.—The nation is called John Bull; but that is a generic term; but when applied to the individual, is not so well taken.

"The art of blackguardism, notwithstanding its cultivation, in these states, may be said, like many other arts and sciences, to be yet but in its infancy. Invention is rather a gift, than an acquired faculty and some regard it as the distinguishing mark of genius; neverthelesss it is improvable; and much might be done by skilful tutors, taking youth from their early years, especially such as may have had the advantage of a good family education, in this way. It is observable, that editors from foreign countries have distinguished themselves in this species of logomachy; not owing, as some allege, to a superiority of genius, or greater aptitude in acquiring languages; but to the progress they had already made, before they left their mother countries. It is altogether a prejudice of Buffon and others, to lay it down that the human species, as well as other productions of the new world, are inferior in kind to those of the old. It is neither so in size nor intellect. Give us time, and opportunities, and we need not despair of producing party writers of a mammoth size in all the defamation by word, a thing of which we have have had imported specimens, from the other side the water. If you wish to avoid the artillery of such, take our advice, and resign. We have no ill will to you, more than we have to a turkey buzzard, but becuse you are in our way. At least, let us take turns, in doing public service; not at the pump; for though it is our business, under present circumstances, to pronounce the ship leaky and ready to sink, yet we do not think that she is precisely in that condition, notwithstanding your bad management; and we are willing to take her under our direction, even in her present state. The honour and the profit are both in favour of those who are officers, and have the command. But as for you, out you shall go; we do not mean out of the ship, but out of your offices and the emoluments. Our party must be in; and that is the short and the long of the whole matter. If you do not go below deck, we will blow up the ship; not one of you shall go aloft till we have the command."

This would be the language, doubtless of the open hearted, and plain spoken. But as men row one way, and look another, it is not so well calculated to effect the purpose, as indirect attack. It is not those themselves that are in possession that are to be addressed, but those that put them there; or at least assisted for the time being. It is in vain, to try to persuade a man himself that he is in an error, beause he enjoys a benefit; but there are those who may be brought to believe this, who are not so much, or at least so immediately interested in the matter.

CHAPTER XVI.

Constitution Making Continued.

We have seen that a temporary sort of constitution had been formed or rather government constituted; for the Captain had been chosen Governor, and the blind lawyer appointed chief justice. A sense of self-preservation had led to this measure, for we find that even among the rudest savages some kind of authority is given, or assumed. It is the instinct of man, and may therefore be said to be instituted by the Creator. It had been found, that in a situation of things approaching to a state of nature, the weak were a prey to the strong, and oftentimes, among the strong, there was much wrong done, not being sufficiently afraid of each other, when the corporeal powers were nearly equal; and, until it had been ascertained which had the mastery, much maiming had prevailed. It had been customary for individuals so leagued together, to defend themselves; and there was much gouging and biting on both sides, when a contest of the few had arisen. Settlement against settlement was pitted; and district against district, oftentimes with much battery and blood-shed. Calling out for help was usual amongst the combatants, and it was counted dishonorable not to interfere, by those not engaged.

It was on this principle, and in this state of things, that the Captain had been elected governer. For, coming to the settlement, attended by his posse, Will Watlin, Tom the Tinker, Harum Scarum, and O'Fin the Irishman, a damp was struck upon the hearts of the insurgents in different places, which the people seeing, recurred to this new power for safety. Will Watlin having pulled up a grub, and entering the town, called it a switch, as I have seen represented on the stage in some dramatic composition; the people thinking that if that was a switch, what would his baton or cudgel be? O'Fin the Irishman had, in fact, entered with a handspike on his shoulder, which he called his shilelah, and threatened death and destruction to all that came his way. Harum Scarum had a branch of an oak tree, which he trailed after him; and Tom the Tinker approached with a club, which he called his hammer. It was much larger than the club of Hercules is represented in the Farnesian statue, and though he had not the strength to wield it with ease; yet, poised upon his right shoulder, it had the appearance of a weapon that would do much execution. Teague, the bog-trotter, though with great difficulty, drew after him a rough pine limb which he called a shilelah. The Captain had a staff, not as large as a weaver's beam, but far surpassing the size of a common walking-stick. From these appearances, they had put down all resistance; and in due time the people thought it advisable to place themselves under the protection of persons whose object it seemed to be to keep the peace, and maintain the laws. The Captain had been chosen Governor. But in writing the chapter which mentions this fact, I had run over a great space without entering into the detail, or minutiæ of events. For that, and no other reason, it may appear to want verisimilitude of incidents to support the probability of the narrative.

"Le premier Rois fut un soldat heureux,"

Says Voltaire: and though it may be disputed whether knowledge is power, yet no one can deny, but that wattles and hearts of oak, have a great tendency to procure submission.

But the Captain himself was uneasy under this usurped authority; and the people began to talk of his resembling Bonaparte. There were those who threw out hints that he had an understanding with that emperor. It was much agitated in beer-houses, whether he was not under *French influence.* He denied it, and stood to it, that he had no correspondence with the tyrant. Is it possible, said he, that I could have much attachment to Bonaparte, who has no attachment to me? For I am well persuaded that he has never heard of me; nor can he possibly regard what government, or kind of government, I have over a few raggamuffins assembled, or rather scattered in a distant quarter of the globe .It is true, I did happen, coming along, to speak a few words of French, at least they told me it was French, which I had from a parlez vous, a carrier, that spoke a certain lingo to his horses; because, being used to his vocabulary, they understood no other language; but it was in the most perfect simplicity of mind; and I am not sure that it was French that I did speak, or rather that he spoke; for what I said was in imitation of certain sounds, rather than words of his, as I could catch them from the rapidity of his pronunciation. But why need there be a noise made about it? I am ready to lay down my oak stick, which has been the badge of my government, whenever any one of you chooses—Let it be laid down. And with that he flung it across a potato patch as far as he could throw it. Now, there it is, said he, and you are a free people: but what are you the better for that; was it not to keep you from broken heads that I took up the government? You talk of Bonaparte usurping the government—what government did he usurp? Had not the people of France found out that there was no government, and could be none short of a despotism? The constitution of 1791 had given way: that of 1793 had gone to the tomb of the Capulets. Was there not one of 1795? If so, it had also gone. The only two of the directory that had any talents, or integrity, Barthelemi, and Carnot were departed to one of the French Islands under the equator, to encounter fever and mosquitoes. The better part of the council of 500, and of the council of ancients, I mean the best men of these bodies, were carted in iron cages to the sea shore and sent off in frigates. Could there be said to be any freedom at this time? What was it that induced Abbe Sieyes, and other men who had been tired of making constitutions, to send for Bonaparte to Egypt to take the helm of the state vessel? For, pursuing the figure, when the vessel is at the mercy of the waves, tost and ready to run upon the breakers, is it usurpation to take the helm, and steer her in safety? Comparing small things with great, myself to Bonaparte, did I usurp any authority, when you yourselves called upon me, being at loggerheads, to take the government? But as I have more concern for you, than you have for yourselves, I will retain it a little, with a view to preserve order and regularity among you until you get a constitution, if by that means you can secure your liberty.

This speech being ended, it was agreed to consider of a constitution.

It was debated in the beer-houses, whether a despotism was not best; or the continuance of the present constitution. But it was carried, nemine contradicente, that something new should be adopted. It was agitated how a republican government should begin. Doubtless, it was answered, by a convention of the people. It was asked, how should that convention be brought about? It was answered, in the same mode, and by the same means, as what is called a camp-meeting: this is a gathering of religious enthusiasts, of which we have seen examples in almost all parts of the United States. But would there not be danger of the same tumblings and jumpings, and contortions of body, and agitations of mind, as at those congregations? No: because the female part of the society would be excluded. These are not only convulsionists, but the cause of convulsions becoming general among the multitude, by sympathy of feeling, and ecstacy of vision; or, perhaps, by some kind of subtle contagious, electric fluid passing from one to another. Keep these away and the meeting will be kept sober, unless indeed spiritous liquor was introduced. And when serious business was on the carpet, this might be excluded, allowing a few days of intemperance, in the manner of the ancient Germans, or our Seminole Indians, before the council had begun.

It was agreed that a general warning should be given to meet under bushes, and tree-tops, by such a day, not in conclave or divan, but in a general convention of the people, to deliberate on the frame of a constitution. But were they all to convene, every male, of whatever age, embracing infantia, which ends at the age of seven years; pueritia, which terminates at 14; adolescentia, which lasts until that of twenty-one years; or juventus, which may be considered as ending at the age of thirty-five; or the virilis ætas, which is complete at twenty-eight, and lasts the whole life of man? Senium, or old age, commences at fifty-seven. Was this age to be excluded by reason of imbecility, from the deliberations of perfect men? Must foreigners of all nations and languages, just come in, be also allowed to take part! the black, brown or red-faced—must persons of all complexions, opinions, Turk or Indians, have a share in the constitution making? And why exclude tax paying widows, and single women of full age? All these cases must be settled.

Another question arose, was every man that wore a head, tag, rag, and bob-tail, to assemble and have an equal vote? In contemplation of law, at the formation of our republic, it must be so. And though, in fact, it never was the case, yet the principle stands immovable, and all must be supposed to have a voice. "We, the people," admits of no exclusion. But are people to be admitted who have no understanding? Who can undertake to say of another that he wants sense? Intelligence cannot be weighed by the pound or ounce, or measured by the ell or the perch. Who is to make the selection from the mass? It was agreed, therefore, that all who chose to meet, should convene. Advertisements to this effect were put in the gazette, having a journal or public paper in town; and cards and hand bills were affixed upon trees and barn doors, and chalked upon fence rails, and those who could not write, proclaimed with the voice, the general assembling of the people.

The day came, and the hills were covered. Those upon the low grounds shouted up to their superiors on the hills; and the hills vociferated to those below. But great confusion ensued, by interruption and discussion. Some order became necessary, and the reducing the multitude to a smaller compass; but this could not be done, until a part wearied out, and wanting food, departed to their homes. There were but about a score remaining, when the next day appeared; thus it will always be, power stole from the many to the few.

Having taken some refreshment of food, these set about the business. But half asleep, they were incompetent, and had to take a nap before they could renew the task which they had undertaken. It was now debated, whether the present could be considered as representing those that were absent. This was plain: for all had had an opportunity, and might have attended, if they would.

The question was now agitated, should they have a constitution? Upon this there was a diversity of voices. Said an honest fellow, what have we to do with a constitution? Why form one? Will we stick to a constitution, when we have made it? A constitution is like a nose of wax, it is twisted by the party that is predominant. It might not, however, be unadvisable to have some outline of a constitution; some groove within which to move, some shape and form of the machine of government. If the people cannot all convene, or, if they do convene, cannot act without confusion, as the late experiment had abundantly evinced, it would be necessary to have some means of reducing them to a narrower compass. Let there be primary assemblies, meetings of the people in particular districts, and let these elect and send representatives to a secondary. Let these secondary assemblies, select from among themselves, and depute to an ultimate body, who shall from time to time meet and frame the laws. Judicial Officers must exist distinct from the legislature; executive distinct from both. Whether appoint these officers, and in what manner it shall be done, must require some rule to be laid down. The nature of the government itself must be determined on; at least some name must be given it, whether it shall be called a republican government, or an aristocray, or a monarchy.*

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* The author's plan of arresting the western insurrection, was first to take the power out of the hands of the mob by a delegation of two hundred and fifty, then by a committee of sixty, then a standing committee, in fact of seven, the majority would rule. Having made this arrangement, the insurrection was placed under control. The history of Venice is a good illustration. The Senate was first elective—then permanent—then a committee of ten—then of three, secret and unknown, consequently entirely irresponsible.

CHAPTER XVII.

How the new Government worked—general discontent.

Under the present order of things, the patronage of the Governor was considerable. This very thing, which at first view would seem to be a ground of his security, was the cause of much uneasiness, and constant opposition to his administration. For not in one case out of ten did he make an appointment, but some concerned became enemies. The one appointed was an enemy, because his appointment was not as good as he had expected; and the others of the community were dissatisfied, because he got any appointment at all. For there was not one who did not think himself better entitled, at all events, better qualified. Some were vexed because they had not been chosen Governor themselves, and no appointment would have satisfied them. There was a weaver amongst these who had pretensions to the chair, and raised a clamor against the constitution, thinking that, in the confusion that would ensue, things being once more put into hotch-pot, he might renew his chance for the office of chief magistrate; that, having failed to be put in nomination under existing circumstances, he might have better luck under a new arrangement. A second chance he would have at all events, and it might be more favorable in the result; inasmuch as the very bustle he was making in the affair of the new constitution, would bring him into great notice, and increase his popularity, there being now an indifferent mass of citizens who were dissentients from the same motives with himself, and might promise themselves something from the confusion of affairs. But the proposition of a new constitution, as being less alarming to the bulk, was suggested under the idea of an *amendment.* For the revolutions in France about this time had created some alarm, at the idea of changing rapidly all at once from one constitution to another. But who was there who could have any reasonable apprehensions of risk or danger from an amendment? But it being thought advisable to specify some amendments in order the better to bring about a convention, there was no one that had not the sagacity to find out some things that might be put on a better footing than they had been. As for instance, the weaver seemed to think that the price of weaving ought to be raised; and that no customer should hereafter find fault with the work done; and that he should pay for it as soon as it was done.

All this seemed reasonable, especially as the cordwainer, and the brick-layer, could easily see that in the course of the deliberation, it would naturally take a wider range, and introduce a clause providing for them also. For though not by name in the first instance, yet all occupations would be virtually included and enjoy the advantage of the like reform. It had become a cry pretty much prevailing, that the sitting of the people should be *permanent*, and the convention revolutionary; so that whenever and wherever the shoe was found to pinch, it might be altered.

Amongst the mal-contents with the constitution, it was not a little unexpected by the Governor, to find Teague O'Regan, his late protege and associate in his peregrinations. For notwithstanding he had, in the first instance, been appointed cryer of the court, and in the next, advanced to the grade of auctioneer, he was dissatisfied because he had not been made Chief Justice, or advanced to that of Secretary of State. For these reasons he was amongst the loudest for a reform, and proposed an assembling of the whole people, once more to fix upon a new constitution. The governor conceiving himself to have some kind of right to control and regulate the ambition of his bog-trotter, took an opportunity to expostulate with him on the danger and inexpediency of the proposition at this time; and more particularly on the indelicacy of persons newly come into the country, taking upon them to be the first to propose a revision of that frame of government, which they had found prepared for them, and what, on becoming citizens, they were under an implied obligation to support.

"Teague," said he, "you cannot but recollect the inconsiderable station from which I originally advanced you; being a redemptioner on board a ship from Cork in Ireland. In fact, though you call yourself a redemptioner, you were a bound servant for years, and in such capacity you were under an obligation to serve me, nevertheless, I treated you as a redemptioner, paid the money for you, the passage-money, and told you that as soon as you had served me to the amount of it, at the yearly hiring of a laboring person, I would give you your liberty. The business that I set you about might be called drudgery, because you were fit for nothing else; but did I not, as soon as I conveniently could, endeavor to amend your station, by taking you with me almost in the light of a companion in my rambles? In the course of these, in proportion as I saw an opening, I was disposed to advance you still more, and to bring you forward. Was it my fault, if, in these prospects, which seemed to be occasionally flattering, there were some disappointments? You know well what happened, from first to last, and what sort of a judge you made on the bench.

"Have I not done as much for you as I well could do, since coming to this new country, and my advance to the chair of government? Did I not make you a crier of the court, and are you not now an auctioneer? What reason had you to expect that I should make you a chief justice, even though you did read law a while, and had been upon the bench in another place? This very circumstance, if no other, was a reason against it; for it gave me an opportunity of knowing you were not fit for it. You have not the patience of a judge even if you had all other qualifications. I could not make you secretary, for you cannot write; and though you might act by deputy, yet it is but an awkward thing for a man to be secretary, which imports by the usage of the term, some ability to minute matters, and not to be able to write his own name. It is impossible for me not to know that whatever you and the others of you who call out for a new constitution are moved, not by your own opinion of defects visible in the old, but because you think a new may be more favorable to your particular pretensions. But setting aside all that could be said on this alleged point of private views on your part and theirs, is there not some decency to be observed on your part, in coming into this country, in proposing innovations? Can a bog-trotter just from Ireland like you, be supposed to be cognizant of the genius of the people sufficiently to form a constitution for them? It is the most delicate thing in the world to undertake to find fault with that which they have formed? I feel it on my part a matter of peculiar delicacy to support an opinion. It hurts me even that you, lately in my train, should cavil against it, lest it should be supposed to be at my prompting; though there can be no ground of presumption that I who have been complimented with the government, could cabal to overturn it. Yet one cannot tell what those who are the advocates of what they call a reform may do, or say, in order to acquire weight to their machinations. They may pretend, that I, who hold an office under the constitution and am sworn to support it, do not approve of it. They will allege in proof of this, my having an officer who is foremost in his vociferation for a change. You do not consider, Teague, where this may end. The termination in France we have all seen; it was the guillotine. You ought to know something of the guillotine, for you made a narrow escape from it. It is a horrible instrument; and the meddler with constitutions is in danger of coming under it. It is best for a man to pursue the even tenor of his way. In order to be safe from the irons of a saw-mill, let the unskilful beware of meddling with the wheels. In the same manner I may say that the prudent man will keep aloof, at these times, from the danger of unreasonably intruding himself as a mender of constitutions. Agreeably to this is the distich of the poet,

"Ah me, what perils do environ,
The man that meddles with cold iron,"

You enjoy the lucrative office of an auctioneer, and having seen a great deal of the world, ought to have begun to learn that those who advise, have not always the interest of those whom they advise, in view. May it not be in order to serve themselves and perhaps in the turn of affairs to get your office, that persons flatter your vanity as whom it becomes to put yourself at the head of a reform in the state? I would not be willing to take an oath that even some of your own countrymen may not have sinister ends in view, in putting you upon this project. For that you are propelled, I am strongly inclined, to think as I have always found you yourself disposed to be contented with your station, except in cases where the mistaken notions of others working upon your inexperience and mine, have misled our understandings."

These reasonings had weight with the bog-trotter, and more especially that part of the expostulation which respected the danger of the guillotine. But though intimidated, and of himself disposed to cease his opposition to the constitution, and his clamor for a reform, yet his countrymen out of doors, and others of the multitude, desirous of a change, still continued active at vendues, particularly, to urge the bog-trotter to a perseverance in his endeavors in favor of what they called liberty, a word very liable to be abused, from its generality, or vagueness.

There was no station that could put him so much in the way of being wrought upon by the designing, as that of auctioneer. For it subjected him to flattery, giving an opportunity to compliment the strength of his voice, his vein of humor, which term they could give to his coarse jokes, and call it wit. The bottle occasionally going about, as is the custom in the country, using which, drew from the crowd also much applause; for in proportion as the crier was pleased, he put about the bottle, and it came in the way of the man that had given the last bid. It was indeed a matter of complaint against him by those who had articles to sell that he would suspend the hammer; or more properly the mallet that he used, he would stand with it lifted up, until some one had finished what he had to say about the constitution. And instead of announcing the name of the article put up, describing its utility, and expatiating on its value, he would forget himself, and instead of a good thing, this, or that, he would call out, "an excellent constitution; not at half its value; who bids more, another cent buys the whistle. Three times."

There were petitions for removal on this ground. But what could the governor do? The mania had become general. Not an individual was not affected with the rage of constitution making; not an occupation, in the exercise of which something relative to amending at least, the constitution, did not break out in the language that was used. It was not alone in the case of the auctioneer, that such a derangement, as it might be called, had begun to show itself; but with persons, in almost every other employment. The common mechanic and laborer, were led away, both in speaking and acting, with an enthusiasm for a change of constitution.

"I saw a smith stand with his hammer thus:
The whilst his iron did on the anvil cool,
With open mouth swallowing,"

the news about a constitution.

A tailor was asked what he was now making? He said the constitution.

A tinker, what he was now mending? He replied, the constitution.

All that could write had drawn up forms; all that could not write, had meditated forms, and were reciting them to their neighbors. It was amusing to attend to the various suggestions of the fancy of these improvisatori, or extempore makers of constitutions. Some proposed for an article, the having a provision to fatten hogs, without corn; and it was in vain to explain to them that this did not depend upon the constitution of the government; but on that of the hog. Some wanted chickens hatched without eggs; others harvests raised without the trouble of sowing seed. All were for an amelioration of things in the natural or moral world.

A groupe had got together at a distillery; and were endeavoring to put into words, what they would wish, with regard to the article of extracting more whiskey out of a bushel of grain. But they were not all of them in a capacity to articulate the article just then, and so it fell through for that time.

In order to acquire knowledge on the subject of constitutions, where any one entertained a suspicion that he had not sufficient information, which was a rare case, he applied himself to study the hiding places, or edifices of beasts and birds. For instinct is surer than reason. One man of very honest investigation, was stung in the face as he was inspecting a wasp's nest, and his face became much swollen, and was kept in countenance only by another, who was in something of the same plight, from a hive of bees into which he had thrust his nose. That republic being much celebrated, it was thought the purest model that could be studied. A diligent observer of the flight of wild geese and of the manner in which one stands sentry for the flock, when they alight to feed, drew thence what he thought a good lesson, towards qualifying him for the task of new modeling a frame of government. But the play upon the word goose which this naturally drew upon him, threw it into ridicule. For it was observed that he must be a goose who would think of modelling a constitution after geese. By others it was called a wild goose chase that he was upon, and little attention was paid to his draught.

CHAPTER XVIII.

The phrenzy of Constitution mending still continues—The Governor's address to Irish emigrants.

In this phrenzy of the public mind, it is not to be dissembled, that the most active of the constitution menders, were those who had ruined their own constitution, or that of their estates. It was observable also, that emigrants from beyond seas, and especially from the green Isle of Erin, were the most forward in offering themselves for this service. Not knowing the trouble of making a constitution, they thought it light work; being in the habit of calling out against the existing government at home, they did not distinguish that partiality which the people here must have for the work of their own hands, and their unwillingness to have assistance not asked, but forced upon them. At all events, supposing them justifiable in the innovation, it cannot be maintained that the volunteers were altogether discreet, in the time of undertaking it.

A number of these who had come from the county Monaghan, and other places, being together, singing Erin-go bragh, and talking politics, the governor having actually a regard for them, as a well meaning, but impetuous multitude, thought proper to address them and remonstrate against their proceedings. A minute of his discourse has been given me, and I have set it down here to diversify the narration.

"Gentlemen of the bogs," said he, "or green fields of Erin: for in the geography of your country, you talk of bogs; but in your songs we hear of nothing but fields. For that reason I shall speak of fields.

"Gentlemen of the green fields of Erin, when I cast my eye over the Atlantic Ocean, or rather cast it upon the map, I see your island like an emerald as you call it, set in the waves. It is a pretty little spot, on the face of the earth, I was going to say, face of the water. Of the internal geography I do not know much, but I have heard of Limerick, and Drogheda, and Sligo, and other places—the Cunabula gentium, the birth place of your parentage. But as to those, I have not much attended to them; my attachment is chiefly to the history of the people. I know your origin, if I am to believe some, and I am inclined to believe them, that you are of Punic origin, that you have in you the blood of the Asdrubals, and Hamilcars, and Hannibals of antiquity. But as the poet says,

> Genus, et proavos, et quæ non fecimus ipsi,
> Vix ea nostra voco.———

I set more store by what has been done upon your island in the persons of your immediate progenitors. I am not unacquainted with the fame of many great characters; Fin McCoul, and Brian Borumy, and others. But for your divisions in your own country, you might have been England, and England Ireland. And though insinuations have been made by writers of a proneness to rob on the highways by some of you, I do not wonder at there being some truth in this. It cannot be a matter of surprise, if after the military spirit of a brave people has subsided by subjugation, it should break out into petty robberies of the proud victor, and a disposition should remain for a long time, to indemnify one's self at the expense of the conquerors, for the loss of private fortune. What could have been expected of those who were so cruelly expelled from the north of your country, the four counties of Ulster, but that they would turn free-booters? I find no fault with the opposition made to the government of England; for you have been oppressed by it; and I do not wonder that a reform was thought of, and zealously attempted by your parliament; though I do not approve the irregular, and consequently useless disturbances, by hearts of oak, as they were called; hearts of steel, 'White boys,' 'Peep o' day boys,' who broke the peace of the country. For of what avail is disjointed opposition; partial insurrections, which, like the struggles of beasts of burden, serve but the more to entangle, and furnish a reason, or at least a pretence for weightier chains, and stronger gearing for the future? However good your cause, and I will acknowledge that it is my opinion there could have been no better, yet, from immature exertions, and a want of concert, some of you have been under the necessity of absconding, and others of you have been shot. Those of you who have come to this country ought to distinguish circumstances. You have no doubt meditated much, the greater part of you, upon political establishments; but it is not a Lycurgus, or a Solon that is wanted so much at this time, as cultivators of the soil. The government that is already framed, may do a while, until we get more ground cleared, and fences put in repair. You will not for a moment entertain the suspicion that I undervalue your capacity for these things; but I make a query with regard to the expediency of your taking a very active part in the administration, and becoming zealous, but hap-hazzard partizans. You have all heard of what has happened in the neighboring country of France, from instability in government, and from a change of constitution. The guillotine was the result; you have all heard of the guillotine."

The crowd, or some one in the crowd, acknowledged that they had heard of the guillotine; but had not a perfect knowledge or clear conception of what it was.

It is, continued the governor, a machine which works, as I understand it, something like a farmer's cutting-box. But the noise resembles that of a forge hammer, or a slitting mill.

Governor, replied an orator, it is not the sound of iron, or the working of hand-saws, that would intimidate an Irishman; nor is it that we think we can make a better constitution than the one that is made, or set up a better government than that of which your honor is the worthy representative and chief magistrate, but just coming to the country, we like to be concerned in what is going forward—When we see the game played, we like to take a hand. When we see a riot going on we like to flourish a shilelah with the rest. Nor is it we alone are moving in the matter. It is your own people that have been bred and born in the country, that make the most ado. We only come in to take a lift at the log; just as our forefathers did in the war that is past, where some of us were shot as well as yourselves. Having cleared the ground of the British, along with you, we are entitled to the raising a cabin on the spot; you may call it a constitution, or what you please. But all we want is a bit of ground to set potatoes, and to plant cabbage, with the free use of the shilelah into the bargain, as we had it in our own country.

That being the case, said the governor, the constitution that you have, will answer every purpose. It is for securing you in your possessions; and the free use of the shilelah subordinate to no law but that of the country, that the government has been adopted. But for it and the laws, what would you differ from the racoons and opposums of the woods? It is this which makes all the *difference we find between man and beast.*

This was an unfortunate expression of the governor, and gave countenance to the theory that had begun to prevail about this time, that there was no radical difference between man and beast. And of this we may hear more in the subsequent chapters of this book. But not being in a hurry with this narrative, we shall not go on with the history of this phrenzy of imagination just immediately. It is time to rest a while; that is, to dip the pen till one looks about and reflects upon what has gone before, and may come after. What that may be I cannot well say; for though I have all the matter of the book in my head, I have not arranged it in the series and juncture of the particulars, so that I can tell before hand what will come next. My pen moves almost involuntarily, from the mere habit of writing; like people that speak without being aware of what they say. And this unconcern arises from a consciousness that I have no harm in my mind, and therefore there can come none out; I mean, actual and intentional harm. If the maxim is true, *quod non habet, non dabit,* I can give no offence to any one, for I mean none. For, notwithstanding all that has been said, or suspected, I never had a single individual in my mind, in characters I have drawn; but have been dipping my pen simply in the inkstand of human nature. If any man sees himself in this glass, *tanquam in speculum* it is his own fault to put his face near it. For, it is not my intention to put the glass to him. I will acknowledge that a principal object with me is amusement, and I would hope to keep it innocent, if I cannot make it useful, and I do not see why it may not be considered as having the like chance for this, with the fable of Menenius Agrippa about the belly and its members; or any of those which are called Æsop's, under the similitudes of beasts and birds speaking. But be this as it may, if we should miss the mark, all that can be said, is that, if we mean instruction, we have an awkward way of conveying it.

But call it even our own amusement alone, that we have in view; it is a picture of human nature, from childhood to old age; from the baby-house to the laying out money in bank stock; or the purchasing land for which the owner has no occasion. It all goes to engage, and employ the mind, whether it is throwing a long bullet, or drawing up an address to the president of the United States. Our hands must be employed, or our minds. And this I take to be a great cause of the restlessness of a man in society, or out of it—the activity of the mental power. And in proportion as a man has less or more of the *vis inertiæ,* in that proportion is he locomotive or stationary.

CHAPTER XIX.

The Convention of delegates to frame the Constitution.

It being understood that a constitution by ten, or even twenty men, would be a thing of bad fame, the decemviri among the Romans having got a bad name, it was agreed to call a convention of delegates, the time, places, and manner of choosing which, was pointed out.

"Tantæ molies erat Romanam condere gentem."

It is no small work to form a government for a people; and after all it can only grow out of their previous habits and opinions. Without conforming to them, you might as well attempt to dress up a fine lady, by tossing her garments on her with a pitch fork. Constitutions cannot be made—they must grow.

It was necessary that information should be communicated. But as a journal or gazette might not reach all, or if it did reach them, they might not be able to read, runners were despatched, Tom, Dick, and Harry, to carry the intelligence. The Captain's posse comitatus, Harum Scarum, O'Fin, the Irishman, &c. having notices written out in a fair hand, were ordered on their travels, through bush, brake and wood-land, to post them up in conspicuous places.

Due notice having been now given, and, on the day, a chosen few having been selected from the primary meetings, which, by the bye, were not always very numerous; for, in some places, the father chose the son, and in other places the son the father; these, I say, being met, proceeded to debate on the principles of the great magna charta of a constitution. And, as at Runnymede, it was literally under an oak, or rather a grove of oaks, that they were convened, a matter of debate was, whether every thing that wore a head should have a vote in choosing legislators. It was restrained to the male kind; of course, females were excluded. But, should boys come in?

that was the question. Not unless full grown boys. But at what age does the body come to its full growth? Not until the age of 28, says doctor Jameson, a physician of Cheltenham, in his treatise on the body, does it come to its full growth. It spreads until that time. But impatience to have the rights of men, prevailed with some delegates, and they were of opinion to dock off seven years, and to fix the age of virility at 21; for that was the age of the common law, in most of the other states.

But should the suffrage be universal, or with a qualification of property—not real property? that was out of the question: for every check ought to be put upon engrossing the soil, as the population of the country depended upon restricting to a small share.

Camillus had but four acres, said the Latin schoolmaster; and well cultivated, that might suffice any one. At all events it was not good policy to hold out any encouargement to engross land.

But it was agreed that every man should have a vote in proportion to his stock. For this was originally the meaning of the word chattels. We shall hear more of this anon: for it led to an opinion in the sequel, that beasts themselves should vote.

——Cujum pecus? an Millibœi?

Said the Latin schoolmaster.

The next question was, shall a majority rule? That is, shall the greater portion of the whole number of votes—or merely a plurality, the greater number of votes actually given or the highest on the list of candidates, without reference to the number of voters, or shall there be unanimity or concurrence of all the voters? The latter is doubtless the pure democratic principle, which supposes each voter a sovereign, and every voter equal to every other voter. Such is the case in the diet, or meeting of sovereign kings, all equal. It is so at the polish diet, or conclave of cardinals electing a Pope. They must all agree. The majority, or the plurality may be called the republican principle, to distinguish it; and it is more convenient than the unanimity, which is the democratic. Yet it is the principle of arbitrary power, or force, only one remove from despotism. That majority acting unreasonably, or unjustly, may act tyranically. Constitutions, checks, and balances, are the safeguards against this arbitrary, despotic power. It is inconvenient, and dangerous, to despise large minorities. In the British House of Commons, where the majority of the Ministry is small, it is regarded as condemned by the country, and they resign. Compromise grows out of this power of large minorities; it is a blessed spirit and the great peace maker. It stands between the depotism of the majority and the rights of the minority. It is a mutual concession, of legal rights on one side, and natural rights on the other. All compacts, or constitutions, have this character. There were some who insisted, that except as to the qualification to vote, there should be no constitution at all; but that, bound by no girdle, and no regular distribution of powers, or restraint on the majority, the representatives, when convened, should have free scope, without restraint from preconceived rules, or set forms, shackling the understanding, but that it should be as nearly as possible a pure democracy. Some were for confining their duty to the preparing laws, as a committee, to be voted on by ballot by the people. All hands aloft to man the states ship.

O navis tibi creditam—

Said the schoolmaster. It was at length resolved by showing hands, that a constitution, after the model of the states, should be adopted.

The Captain was re-elected Governor.
The blind lawyer Chief Justice.
O'Fin, Sheriff.
Tom, the Tinker, Attorney General.

CHAPTER XX.

Universal suffrage— shall it be confined to rational creatures, or may horses, sheep, and other cattle vote?

The new constitution had hardly gone into operation, before new discussions took place. Various questions were agitated. One of the first was the propriety of universal suffrage, that is, whether every poll should poll, or have a vote; or that *property* should also vote. If property alone, the question would arise, whether *soil* only; or also goods and chattels. If soil only, to what quantity or quality, shall the suffrage be attached? An hundred acres of soil of a bad quality, may not have the intrinsic worth of one of good. How should an inspector, or judge of an election, determine on the quality unless the owner brings a sample with him, as the man who had his house to sell, brought a brick. This would be an inconvenience; and would render it impracticable to escape frauds. For a man might dig a sample from his neighbor's, and pass it for his own. And as to quantity, the occupier of the greater quantity, is the less valuable citizen, especially who holds more than he cultivates, because he neither eats the hay, nor lets another eat it. It is preposterous that *soil* should vote; a dumb field, a dead tree with a crow's nest upon it; an hazle bush; a morass, or a barren mountain; or even a hill with a tuft of oaks upon it. These are all inanimate substances; how can they vote? For goods and chattels, something might be said; a *live beast* particularly, as the animal could not speak, not with a viva voce vote, like a man; *more humano*, like a human creature. But with some guttural sound from the throat, or fauces, which might be called its own; and not like the tree with a turkey-buzzard on it; and which is not its own voice. I mean that of the tree, said the speaker, who was running on this manner; and yet it is advocated that stocks and stones, that go with the soil, shall have a vote. There might be some reason in improvements voting—a brick house or a dutch-barn—but none at all in the *mere brutum tellus* of an estate.

This had led the way to an hypothesis, that property in moveables should alone entitle; and this, after some debate, began to be narrowed down to property in *living animals;* especially to useful quadrupeds, and those of full growth, and who had come to years, I will not say of discretion, but of maturity. From the light thrown upon the subject, the right of suffrage to grown cattle had become so popular, that there was no resisting it; not that, *viva voce,* it was proposed or thought of, that inarticulating speaking creatures should speak out, or name their representatives, nor even that they give in a ballot, but that they should be brought upon the ground to show their faces, that there might be no imposition, the voters alleging that they had cattle when they had not.

But it was not to every owner's beast that it was advisable to extend the right; but only to the more valuable animals: or such as were of a good breed; Virginia horses that are fit for the saddle or the turf.

It may seem very strange; but actually the thing took; and at a polling, some time after, it began to be carried into effect, that beasts should be constituents, and have their representatives. It was not to the principle, but the individual beast that some exceptions took place; as for instance, an English bull was brought upon the hustings to give his vote. We will have no English bull, said the inspectors. Not that a brute beast is not entitled to a vote, nor that a bull cannot vote or be voted for; but this is an *English bull.* No English bull can vote. You might as well bring an English man himself to the polls. It is in right of the bull-keeper, or bull-owner, that the bull claims the suffrage. If an English man himself, not naturalized, is excluded, how can his bul or his horse, or any other quadruped be admitted? It would be sufficient to set aside the election if his ticket was introduced. A bull indeed! The name of John Bull is appropriate to an Englishman. An Irish bull is quite *another matter;* John Bull shall have no voter here.

In the mean time, a man on an iron grey horse rode up to the window, which was open for receiving tickets, and unequivocally insisted on a vote for his horse. Vouchers stood by, who averred that he was foaled in the county; that, horse and colt, they had known him many years; that as to his paying taxes, they could not so well say, unless his labour on the farm could be considered as paying tax.

And now, the horse putting his nose in at the window, taking it for a rack, an inspector gave him a fillip on the snout, which resenting, the owner wheeling round, the horse wheeling under him, he rode over one or more of the bystanders who were in the way.

It may be material to mention that the horse's mane and tail were black, to distiguish him from a grey horse that belonged to another person. A warm controversy arose on the subject, some taking the one side, and some the other. Some also stood mute, not choosing to take part in election disputes. Others, were very positive and violent. Such is the result of strong passions, when not under the control of reason and reflection. Weak persons are always the most positive. because they cannot afford the acknowledgment of an error. It will not do to admit fallibility; for there is no knowing how far the inference may be drawn.

Another man came up, who brought a sheep to the polls; a merino ram, who, he said, was entitled to a vote, having resided in the country, since he had been brought in by Humphreys, representing him to be of the breed of the great Fezzen ram, though there were those who thought it might be what is called a yankee trick; not but, that all Americans may be capable of substituting a thing for what it is not; and all are called Yankees by the British; but New England men are distinguished; and called Yankee Doodles.

The ram is not entitled to a vote said the Inspector, nor ought he to be permitted to put in a ticket, were he of the breed of the golden fleece guarded by the fiery dragons whom Jason overcame and brought away the wool; no; not if he was the very ram that was caught in the thicket; or that Daniel saw in his vision coupled with the he goat. But he is a Spanish ram, born under despotism, how can he be expected to give a republican vote? Of papist origin, he may bring the Inquisition with him: coming here to vote. Besides, this is a very real sheep, that is offered; and not one whom we call a sheep in a figurative sense of the word. Where we call men horses, or asses, we do not mean always that they are so, *puris naturalibus*, without overalls on, with the horn and the hoof about them, but shadowing forth the same thing under a veil of metaphor, as the case may be. But not on this ground altogether do I reject him; and because he has wool on his back; but, because he is of Barbary origin. The Moors brought the breed into Spain. You may cast a *sheep's eye* at the window as long as you please, master ram; but not a vote shall you have as long as *I* am here. I do not know whether you are not a half breed, and no genuine merino. So away with him, as the song says.

"To the ewe-boughts, Marian."

Another person coming up, brought a large ox, which he called Thomas Jefferson, not out of respect to the ox, but to the man, as having a good name and reputation. Make way, said the voters, for Thomas Jefferson. We will have no Thomas Jefferson, said the Inspector; he is out of his district. I assert the contrary, said the owner; he was calved in this settlement. He is called the mammoth ox, and I had thought of driving him to Washington; but that I knew, that if he were he might be made a present to Jefferson, the congress would eat him, as they did the mammoth cheese; so that the president would scarcely get a slice of him. For there are parasites in all countries; and the worthless are chiefly those who dance attendance upon men in office; and how can it be avoided to invite them to partake of civilities? You will certainly allow a vote to Thomas Jefferson. No; not if he was the real Jefferson from Monticello, said the inspector. How can I tell but he may introduce the same politics? That is true said another; break judges, abolish taxes, dismantle navies, build gunboats, lay embargoes, depress armies, pay no tributes to Barbary powers, issue proclamations, wear red breeches, receive ambassadors in pantaloons and slippers, collect prairie dogs, and horned frogs, dream of salt mountains, walk with Petimetres, and be *under French influence*. We will have no Thomas Jefferson. You may drive off your ox. He shall have no vote here.

No doubt the judges and inspectors, being men of sense, saw the absurdity of carrying the principle so far into practice, as to admit the representation of property, by this property being itself, and in its own individual existence, the constituent. But not thinking it safe, or practicable, to resist this temporary phrenzy, and misrepresentation of things, by a direct resistance, it became necessary, by indirect means to avoid it. To lay it down in the face of the multitude that these new voters had not a right, would not have been endured; but parrying it by questioning the right in a particular case, gave no umbrage. It was saving the principle, though it denied the exercise.

The man that had rode down the by-standers, and was taken up for a horse thief, was pardoned by the governor. This was done to get quit of the investigation; the governor thinking it for the credit of the country that there should be nothing said about the occasion and manner of the felony; or the mistake under which the imputation had arisen.

But, party spirit continued to run high; some insisting on the right of suffrage to their cattle; and others considering it a burlesque. You might have seen shilelahs in the air, and several bullocks were knocked down that were brought up to the polls. A lad was tumbled from his palfry as he was riding him to water, under an idea that he was bringing him to aid the adverse ticket. The ram that had been offered, seeing arrive the sheep, cried ba; and it was insisted that he had given his vote, which the candidate against whom it was taken down, resented, and hit the tup a stroke, that, in the sailor's phrase, brought him on his beam ends. The blow struck a pig in a poke, which a man was carrying home, and which was heard to squeal. What, said the assailant, are you bringing here the swinish multitude to vote?

Nevertheless, it was not so much the admitting quadrupeds, but unqualified cattle that became the subject of the controversy; intelligent persons arguing that it was a thing shameful in itself, and unjust. Because it was a fraud upon the whole community, that stragglers should be brought forward, which the individual concerned in the fraud reconciled to himself on the score of serving the party: that it required some refinement to be aware of the indelicacy of urging an improper vote. Was it reasonable to suppose that a horse creature could give an independent vote, that was in the power of his owner to be stinted of his oats, and rode faster or slower as he thought proper, on a journey? Was it to be supposed that he could judge wisely of the comparative merits of candidates, or of the party principles or policy involved in his vote? But the same question might be asked of the greater part of the rational voters. Was it reasonable to expect that the ox would think differently on political subjects from his master? Should he venture to dissent, a crack of the whip or the point of the goad, would bring him to hissenses. Even a rational creature, that may be supposed to have more fortitude, is usually in subjection to the master, in matter of opinion, where he is a slave. It is for this reason that slaves are excluded. Whatever might plausibly be said as to the expediency of extending the privilege of citizenship to those animals that are *feræ naturæ*, and are at their own hands in a forest, it is quite another matter, as far as it respects domesticated animals, that have no will of their own, but are under dominion, whether subjugated to a plough or a team. The wild animals that roam, have some spirit of independence. They would starve before they would tamely submit themselves to arbitrary rule, and government. Hence it is, that traps are used. It requires shooting to bring some to terms. But an ox may be goaded into acquiescence. He does not drink whiskey, it is true; and for that reason, it cannot be said that whiskey will purchase him; but is there nothing to be done with good grass? The encitements are various that might be held out to allure from the independence of his own judgment.[*]

As to horses voting on the occasion we are speaking of, so far as matter of fact is concerned, I admit it has been denied. For that though a great number of horses were seen to be ridden up, yet it is usual to go on horseback to elections, especially when the voters have to come from some distance; so that the mere circumstance of being on the ground, is no conclusive evidence of having given a vote; and this, I am the more careful to note, as in the case of a new government, that like an individual, has a character, in some measure to establish, it is of moment, that what is groundlessly alleged, be explained. At the same time, I am aware of the impolicy of denying a thing *in toto*, where there is no foundation—

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[*] This satire on the extravagance and folly of the people, is carried to the extent of broad caricature. It was the design of the author to render them more striking; and if we look around on real life in our society, we shall find extravagances, that fall little short of these here portrayed. Some of them are floating unembodied in the public mind, others are actually condensed into palpable, or visible substance, like the nebulæ in infinite space. It is worthy of remark, that the idea of women voting was not then thought of; since he wrote, the claim has been formally set up, by the 'Women's Rights Convention.' The following is the resolution passed in 1851: "That as taxation without representation was unjust, therefore women should be allowed to participate in political institutions, and vote; that every party which claims to respect humanity, civilization and progress of the age, must inscribe on its banners, 'Equality before the law, without distinction of sex,'"—or the weaker sex must wear breeches, and the stronger nurse babies!

were there no other reason that would induce an historian to adhere to the truth. For even where a man is pressing a matter that is difficult to be believed, and he has nothing in truth to concede, he will yield a little, skilfully, in order to give the impression of candor, and secure belief to the more important points. How much more does it behoove a writer to be careful of insisting on the freedom from all blame on the part of those whom he advocates, lest that he bring in question the veracity of his relation, when he has everything on his side. I do not, therefore, say positively, that the inspectors and judges of the election, in some districts, were not deceived, and their vigilance baffled; or that they did not connive: for that would be saying too much considering the nature of affairs. The most vigilant cannot always watch; and the most severe in their notions of the rights of persons may indulge. But, granting that some horse creatures did vote, with their riders on their backs, does it follow that the inspectors had notice of it; or that the persons who usually stand by and vouch for the right of suffrage to the individual were not to blame? They may have announced their names as rational; and under that idea, may have got their votes taken. I have been the more careful in throwing out these hints, because if it were once admitted that such votes did pass, unless surreptitiously, and *sub silentio*, it might grow into precedent. And we well know that, in matters of political and legal law, precedent has the force of authority. It may be suggested, as not fairly presumable, that inspectors and judges could be deceived. I have seen too much of elections not to think that practice to be unfair, where an individual, powerful for wealth or family, is a candidate, or where there is a contest of party somewhat violent; and unprincipled and daring individuals will take their stations, and act as common vouchers on an election day, as to the name, age, freedom, or estate of the person who offers a vote. He will be supported by pugilists, or persons prepared with clubs, who, though they do not actually strike, will menace with this appearance of force, and intimidate those who might dispute the vouching that is given. And in the course of time violence may be actually used, when ruffians and gladiators will keep away from the polls the more feeble, or peaceful citizens. I consider all this as immoral and unbecoming. I have seen even inspectors and judges intimidated by this show of hostility; and I would not wonder if I were to hear that, under this awe, in some place, improper votes were taken. Not that I would excuse this timidity of officers, as lessening it from a misdemeanor to a mere neglect of duty. I reprehend both the overawing and being overawed in the discharge of a public trust; it will be a sad day for the people, when the elective franchise, this divine essence, the life of liberty, shall be crushed out by the foot of violence! In that day we shall call upon the rocks of despotism to fall down and cover us.

But in justice to the character of the country, I incline to think, after all that has been reported to the contrary, that instances of beasts voting were more rare than is imagined; and that a considerable foundation of what has gone abroad on this head, was the epithets bestowed by the contending parties, calling one another beasts; such as horses, asses, sheep, buffaloes, oxen, and the names of other cattle. All this metaphorically, just as persons of a less polished education, where they dispute on literary or theological subjects, call each other geese, sucking-pigs, or turkey buzzards. I have heard even well-bred persons speak of their antagonists, after a warm debate, as wood peckers and mire snipes. In political controversies, it is no uncommon thing, to bestow the epithet of jack-ass. I have heard even an accomplished lady use the term—monkey, speaking of an individual of the other sex. It would be endless to enumerate the application of such terms, that do not in themselves import the natural form or metamorphose of any person.

CHAPTER XXI.

Governor Farrago takes into consideration his Message to the Legislature.

The Governor had been indisposed the whole day of the election, but being now recovered and the Legislature about to meet shortly, it behooves him to think of an address to the legislative body. He was at a loss whether to adopt the mode of the kings of England, reading the speech himself, or having it read for him in his presence; or that introduced in these states, since the revolution; or rather in this, a later period of the republican history, by sending a message, that is, a written document to be communicated by the secretary. The message has the advantage in this, that it is a departure from the English precedent, which of itself carries reason. But there is more in it, when we consider that it is more convenient. Because, when a man makes a speech orally, it is not all of it that can be heard in the crowd that usually assembles on the occasion of an inauguration. And when it is heard it is not all of it that can be recollected. Many things escape the memory. Whereas when it is by way of written document, it can be heard to his satisfaction; not that it would be decent to encore it on the floor of the house; but members can recur to it from time to time, and read it themselves. In that case they are not kept so long standing on their feet, as when it is heard slowly and with much ceremony of bringing it forward in the first instance. For the awaiting the arrival of the Governor who is to deliver the speech, and the arrangements that must be made for the places of the other officers of government, and the body of the representatives, is tedious; and it ought to be a principle in public, as it is in private life, to consult ease where it answers no good purpose to take trouble. Almost all unnecessary ceremony is displeasing to a man of sense. The finest expression I

I have met with on this head, is in the Arcadia of Sir Philip Sidney: "There was ceremony without being ceremonious."

I have some impression in my mind of having quoted this very expression somewhere else, in this or some other book, but I cannot recollect with certainty, nor have I time to turn back and examine. It is very possible that I repeat the same ideas in many places, but what of that, if a good thing is twice said? This beautiful remain of the genius of that time is addressed, if I remember right, to his sister the Marchioness of Pembroke. It is of her that the Epitaph is written.

"Underneath this marble hearse,
Lies the subject of all verse;
Sidney's sister, Pembroke's mother—
Death, ere thou hast kill'd another,
Wise, and good, and fair as she,
Time shall throw a dart at thee.

You will say this is a digression. There is no doubt but it is. But can it be said that I indulge myself much in this way? On the contrary, are there many writers that stick closer to their subject than I have in general done? Besides I would not write a syllable of what I am now writing, were it not that it is thought necessary, that I should not leave my book at a short angle: but round it off, by giving it something like a natural conclusion. And the truth is, as my ideas are in a great measure exhausted, I mean those that are near the surface; I have not time to fish for such as swim in deep water, or to wait, having taken all that were of a larger size, until the small fry grow bigger. So that whenever a thought leads me into a quotation, I do not make a scruple of conscience to run after it; especially if I have any reason to think, upon the small reflection I can give it, that the quotation will be better than the original idea that might have taken place of it. So far as respects my own taste, I read with great pleasure oftentimes a book, which has not a single idea in it from beginning to end, except in the quotations, as is the case with Burton's "Anatomy of Malancholly," one of the most learned books ever written. It is a perfect lumber house of ideas on all subjects. The only question that is made, will be, is the quotation from a good author; or does it amuse or instruct? Nor in reading good moral observations, or anecdotes of great men, do I care whether they are in a connected series, or strung together like Swift's "Critical Dissertation on the faculties of the human mind." The Apothegms of Plutarch are somewhat in the same way. The Chapters of Athenæus, and Noctes Atticæ of Aulius Gellius, are of the same rambling composition. Montaigne's Essays, also, and some of the introductory chapters of Henry Fielding. The fact is, that as a regularly bred cook will show his skill in the culinary art, by making a savoury dish out of the soal of an old shoe, and a tallow candle, so, it may depend upon the manner more than the matter of what is said, whether it be acceptable. Unquestionably there are but few that have the rare talent of saying things agreeably; and I am not sure that I have shown that art in any degree in this book. But what hinders aiming at it, by those who feel a benevolence of heart, and wish to please? If any man is amused by any of these images that I am endeavoring to paint, he will be under obligation to me, though he may refuse to acknowledge it. It is allowable towards the end of a book to digress; and, in the manner of old age, deal in narrative. Though I will acknowledge that I have seldom met with old men who were not apt to digress too much in their narrations. That old men are more talkative than those of earlier years, is characteristic—"Garrulous old age;" but that they are apt to digress is not so generally noted; though it would seem to me to be the case, and were it put upon me to account for it, looking into nature at my own age, I would resolve it into the multiplicity of ideas as one cause. They are numerous, and press for utterance; and when a certain set have had an outlet in part, the speaker suspends a while the prosecuting them, and goes back to fetch others. It would be like Charyon in his boat upon the river Styx, were there an island in it, ferrying a number of the shades half way; leaving them on the island, and going back to bring others that distance, who are crowding on the shore, and anxious to cross. Or like a mechanic, that has a great number of customers, and cannot satisfy, but by beginning the work of several, carrying it on by pieces; having it in his power to say to all that their work is on hands.

But I return to say something on the subject of ceremony, the point from whence we digressed. For the forms of taking place, or seats, or at least the coming into the government house, partakes something of the nature of ceremony in polite assemblies, on other occasions. All attention to which, and the trouble of it, is avoided by the transmitting what is to be said, in the shape of what is called a message, which may be carried by the secretary and laid on the table.

Having adopted the mode of address by message, it was prepared, and transmitted to the legislature now convened. We have been furnished with an extract of some part of it, which we shall now introduce.

It will not be understood, that I am to give the whole message at full length; which would be unnecessary, as I think it is full time, that in the addresses, or messages of governors, in most instances, the common-place parts might be omitted; such as what respects improvements of roads, encouragement of domestic manufactures, and the making a new militia law, felicitating on abundant harvests; or complimenting the administration of the general government, which comes also under this head. There are many like common-place subjects which it were tedious to enumerate, but which may, in this instance, be considered as disposed of. We hasten to the main matter which the governor touched upon, the particular situation and affairs of the new government. I cannot do better than just to make an extract in his own words. It is the concluding part, and the plainest in point of expression. For there is a certain stateliness and dignity in the style of such compositions, that is excusable in the initiatory, or preambular part, that need not be observed so punctiliously in what relates to real business. Tropes need not rise rapidly, nor need these be taken so much from lofty objects in nature; such as the billows of the ocean, or tempests on the land, or the movements of heavenly bodies. All may be simple, like that of information, or opinion given in common cases,

The extracs which we give relates to a matter which may be supposed to have occupied the mind of his excellency, the innovations projected, and which had got some footing in the minds of the people, respecting a change in the extent of suffrage at elections, and the right of being elected consequent upon it. For if any, but those under the denomination of rational persons, could elect, other than rational persons might be elected. For, *similia a similibus gignuntur*. But that he might not give offence, by attacking a prejudice abruptly, he approached the subject circuitously, by talking of the promotion of knowledge, and the establishment of schools. But I continue to talk of the message, rather than to give it. Here it is, that part of it that we have spoken of:—

"I would not be understood as meaning to insinuate, even in the most distant manner, a deficiency of natural understanding, or any extraordinary want of information in the members of your honorable body. I am the more careful to suggest this, because of the known prejudices which the inhabitants of the sea-coasts entertain, in favor of themselves. Because, from the greater opportunities they have of ships arriving, they may have information of the affairs of Europe, sooner than we have, they may be disposed to attribute this, to a greater facility of apprehension; and because, they have schools and colleges of an older foundation, and more accessible from the propinquity of situation. Hence they are led to think that their possessing more scientific knowledge is owing to themselves, and not to this accidental advantage. The truth is, that in point of talent, so far as this includes the capacity of acquiring learning, or judging solidly, I take it the ultramontane people are before those of the cities or of the towns, and settlements on the sea-coast: not that in this case I resolve it into a superior strength of the brain, so much as into the circumstance of better air on the mountains than in the cities; unless indeed I except those just on the seaboard, and where they have the benefit of the salt breeze. It may not be that they possess stronger, but only clearer brain. For if the marshes, and the low grounds, overflowed in some part, with the rivers, infect the atmosphere with damps, and vapours, that affect the body, how can the brain which is a part of the body, escape, being muddied with what naturalists call the effluviæ, and physicians, the miasmata, which are the cause of this? Are the draught cattle of these places, of the activity of those of the hills? Our horses are a smaller breed, but they are more alert on a journey. Our wild beasts in general, are more agile in their movements, and seem to have more resources of cunning, and foresight than the tame; but even domesticated quadrupeds with us seem to be like the human species, in the same regions; that is, of a superior cast to the denizens of the low country. No wonder, for the barometer will show the difference that exists in the gravity of the atmosphere. And running and jumping itself, is more favorable to clearness of head, than standing behind a counter and casting up figures. If I were to take one of those so employed in order to enlighten him, the first thing I would do, would be to apprehend him by the locks, and to set him on the top of a hill to look about him for a while. I would shake him well before I would set him down to his lesson. A man's ideas in a shop, are in proportion to the size of the room; he thinks narrowly if not meanly, who has not more than a few yards of prospect for the greater part of the twenty-four hours in the day. We acquire the magnitude of surrounding objects, and our conceptions enlarge by the space that presents itself.

Why is it that all great generals, look for the rising and upper ground in engagements? There is a great deal in the bare imagination. The paradox of the schools, *crede quod habis, et habes*, is not true; but thinking that you can conquer, goes a great way to give the victory. And the soldier that has his head higher than his adversary, is led naturally, by a kind of incalculable impulse, to think that he can subdue him. At the same time, whatever may be my prepossessions in favor of a reform, I have not been able to entertain sentiments equally sanguine with them on this particular. I consider it rather the offspring of a disturbed mind of some seacoast politician, that has broached this doctrine, or would induce a community to adopt the hypothesis ; and this, not so much out of respect to the powers of mind with us, as complimentary to their own vanity, who have been able to excogitate the idea. It is therefore not surprising that some who have come amongst us, have their imaginations elevated by residing on this range of hills, so as to magnify objects, and thus conceive the idea that even our beasts are capable of extraordinary cultivation. If it is not rather meditated as an insult, being as much as to say, the difference is so small between you and your cattle, that there can be no conclusive reason, or cogent argument, why you might not be put upon the same footing. For as the parallax of remote stars seem of inferior magnitude, and we consider them to the naked eye as in proximity ; so it is in the light of an imputation of inferiority in the human species here, that I have taken up the suggestion. For why did they not begin with their own beasts in the lower country, to ameliorate their condition and extend their rights? They have been visionary enough, in all conscience, with their *abolition of the common law*, and other innovations ; but they have not come so far as to talk of naturalizing cattle, strictly speaking, though some of their naturalizations have been of very uncouth persons. It is not sufficient that the heat and moisture of the climate may produce yellow fever in their towns, but that political pestilence spread from thence. However able you may be as a body, yet if a few bulls, hide and tallow, were actually mixed among you, by means of the intrigues of these people, you might become the subject of ridicule, instead of admiration ;—no—if pards and bears are to be admitted to appear, or officiate in any department of representative capacity, it ought to be at the bar, where noise may be better tolerated, and growling may pass for ability. The late disorderly elections in the districts, was owing to this proposition of giving beasts votes; whereas, in the opinion of most persons, if any were sober, on that day, there were beasts enough on the ground, if I may be allowed to call them so, in a comparative way of speaking, who, on these occasions, can reconcile it to themselves, to cheat and to wrangle in support of the frauds they have committed. It is in this sense of the word that the Apostle Paul speaks, when he says he "fought with beasts at Ephesus;" not as some take it, that he was exposed to wild beasts in the amphitheatre, according to the barbarous custom of the Romans. If all the election laws that can be framed are ineffectual to restrain breaches of the peace even now, while men only are allowed the privilege of voting, how would it be, if the elective franchise was enlarged to creatures that have claws, or horns, or hoofs, especially under the influence of liquor, as is too often the case at elections? The biting and the gouging would be increased; and there would be so many tame animals, at least, beaten and bruised, that they would be unfit for the services of agriculture, which will leave the husbandmen without the means of tilling their ground, or getting in their crops. On all these considerations, the scheme, or project, as it may be better called, appears to me fraught with inconveniences; and to be a reform at this time, not practicable.

"The abuses of the late election, whether any in the way of improper votes admitted, it would not become me to insinuate, nor do I insinuate as to what may have taken place, but what has been advocated as a positive reform. You are yourselves judges of the legality of your own elections; and seeing neither tails among you, nor manes on any of your shoulders, I take it for granted you are all men, and have been elected by such. For though an hundred or two horse votes may have been counted; or a kid, or a merino ram, here or there, may have got his nose in the dish, it does not follow that it has made the difference of a representative in any one case. The purity of the elective franchise, is the first germ of liberty; it is the bud at which it breaks forth. If the frost of fraud blights, no fruit springs from the tree. The prevention of fraud is the object of the laws; but the distinguishing the objects of trust is equally important. That must remain with the citizens at large."

The message of his excellency couched in these wary words, was nevertheless, unfavorably received by the members present, and those of the country attending. The contortions in the visages of them expressed disapprobation. The words aristocracy were muttered. The physiognomy of some had the appearance of one whom an inexpert barber was shaving with a bad razor; there was screwing and twisting of the features, and a wry countenance at the greater part of the words read.

CHAPTER XXII.

From the Right of Suffrage, the popular attention is turned to the Right of Delegation. Shall brutes be voted eligible?

From the right of suffrage to the right of delegation, the transition was easy; and hence the idea of admitting beasts to vote at elections, naturally led to that of beasts being voted for, and elected to a representative body. Why not, said an advocate of this policy? Because, said an adversary, they cannot *speak; brutum pecus* that have no utterance, not even to say aye or no.

That is the very reason, said the other, that it behooves to choose such delegates. What do we not suffer from the verbiage, and loquacity of members? A measure of peace or war cannot be carried, but over *the belly* of a thousand harangues, protracted to an immeasurable length, by orators that know as little of the subject as a whippoorwill or a jay-bird; and yet chatter continually so as to prevent the question being taken. Commend me to a brute beast, a buffaloe, or sheep that would chew the cud, and hold its tongue. If there were at least a mixture of these, there would be fewer speakers, and take up less time. Unless you gag a member he will speak, though no one would wish him to open his mouth, unless to take a quid of tobacco. If an elk or a horse were to speak, he would make the speech short, if we were to infer from that pithy speech made by Baalam's ass; coming to the point at once, and saying all in a few words, that most of your human orators now-a-days in deliberative bodies, would choose to say in a speech of many hours. These would seem to make conscience of giving quantity for quality, and this is the only apology that can be made for interminable rhapsodies. Nor is it enough that they waste time in speaking, but they must write out what they have said and trouble the public with their conceptions in the papers, crude as they would seem to be, and tiresome to read. If any one should undertake to travel through them; it can only be such as have much leisure on their hands, and are at a loss to know what to do with their time. But the mischief is not to be altogether avoided by the not reading them, because the journals are taken up with such effusions, in the place of which something better might be selected for the public. There is a double advantage in the brute animal, to whom nature had denied the power of speech, in being a member of congress, because in this case there is usually denied to such, the talent of writing speeches. If a member, conscious to himself of not excelling in extempore eloquence, should hold his tongue, like a dumb creature, yet it is ten to one but he will write speeches that he has saved from his prolixity, yet the press is made to groan under the oppression of his verbosity. Give me a young colt that will say little, rather than a jackanapes of the human species that will be eternally on the floor. I am for sending a few asses, not figuratively, but literally to our council, who will bray, but will do no more than bray a reasonable length of time, and suffer the more intelligent of the members to arrange and carry through the business. No ass brays more than a few minutes at a time, unless you pinch it, or occasion it uneasiness in some way. Whether is it more against nature, to send nominally something else, but in fact an ass?

If a beast of the forest should go to the house, he will not be continually turning his head round to listen, and to hear what other beasts say of his speeches, or his vote. He will be more independent of his constituents that are running at large upon the hills or upon the pasture, nor will the idea come into his head, that he is bound by their instructions; a thing inconsistent with the delegating representatives to *think* where they will have a better opportunity of knowing what is for the good of the commonwealth. If this doctrine is correct, it is the constituent what stays at home that is to *think*, and the representative that goes to a public body, not to think at all; at least not to make use of his thoughts, which, by the bye, is an argument for beasts going, and men staying at home. Will the desire of popularity induce your wild or tame cattle to make long speeches, or to regard what Tom, Dick or Harry may say about their votes? They may be led to prolong the session for the sake of oats and corn, which they have in their mangers; but it will not be by many words that this will be done. One cause, at least, of the mischief will be struck away. The desire of members to retain their seats, and procure a re-election, will not exist so strong with the denixens of the woods, who will naturally not have the same attachment to a house as human creatures that are accustomed to be within doors. On all these grounds, there will be more independence in our councils, and less subservience to popular opinion. Individuals will not be continually looking out to see which way the wind blows, nor will they covet place and preferment so much, looking out to be embassadors; or to have other appointments abroad or at home. I am for keeping at home, at least, a portion of the *servile pecus,* and sending real cattle to the public bodies. One advantage farther; there would be no Canibalism in the blockheads of the human shape that are sent with them, knocking down a member bullock at the end of the session; nor would there be an inconvenience in riding a colleague horse home.

Sir, said an adversary, your object seems to be to burlesque a representative government.

I deny it, said the advocate; it is to burlesque the abuses of elections, and of the elective franchise. If people go to employ a mechanic or manufacturer of any sort, they look out for a capable person; one skilled in the art, or occupation, and with science and experience requisite for the thing to be made, or the object to be accomplished. But to manage the affairs of a nation, nothing more is sought than simply the being of a party; or the being capable of being made so by some master of the drama at home in a village or district. It is never enquired whether he has two legs or four, provided he answers the purpose of a junto in a neighborhood. Hence —What?

> "Words that breathe, and thoughts that burn."

No; stupidity or local selfishness; and words in order to hide in the rubbish, the want of ideas.

If that is the case, said the adversary, and you do not mean to advocate the giving beasts suffrages, or sending them as representatives, I have no quarrel with you. What these people will do, into whose heads it has been put, is more than I can tell. It is said to be an easy thing to raise the devil; but to lay him, requires all the art of the free-mason, with the wand, circle, and a black cat.

I do not think it would do any great harm, if it was tried, said the advocate. The truth is, I am so much dissatisfied with this mischief, in sending incompetent persons to represent us in legislative bodies, talking a long time and saying nothing, or worse than nothing, that I must either laugh or cry; and I think it is as well to laugh; to be Democritus rather than Heraclitus. But if there is any remedy for this evil, it must be ridicule; and I am willing to try my hand a little at it. If a cow or a horse was chosen, people would begin to think; by pushing the thing to an extremity, the contrast is better seen. If a dumb beast should obtain a majority of suffrages, it would be asked why he did not obtain such a seat; and it would be answered because he was dumb; and in that case could not be a long-speaking member.

But is there no remedy for these things upon principle, said the adversary? I know of none, said the advocate, unless the having fewer members, might curtail a little, there not being so many to take up time; or else the putting muzzles, on them like young calves; but that would keep them from eating as well as speaking. Ridicule, by sending a young bull to the house, because he would hold his tongue, except bellowing a little, will, I take it, be found the ultimate remedy. A very few members, were they so disposed, would take as much time as the greater number, unless they were so very few that they could not relieve each other when out of breath. Loquacity is the fashion of the day; and I wish to bring taciturnity back again, which has been out of date almost since the school of Pythagoras. I will have at least a reasonable proportion of dumb creatures put up at our elections, and sent to the representative bodies.

This was a dialogue, aside, between the advocate for the eligibility of beasts, and the individual who opposed it; it had little effect, one way or the other, not being in the presence of the multitude.*

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* The abuse of long speeches has been remedied in Congress, by what is called the *hour rule.*

CHAPTER XXIII.

Which treats of the training of Orators in the Republic.

Were it imposed upon me as a task, by some republic, to educate a number of young persons to be orators, in order to introduce a good taste for public speaking, I would begin with the understanding. What? not with the heart, it will be said. I take that to be the same thing. For I know no difference between good sense, and virtue, except that the one is the judgment of what is virtuous, and the other the practice. I take a knave and a fool to have only this difference, that a fool is a knave in his transactions without meaning to be so; the other intends it. Or, if this way of putting the argument will not be understood, I say that every man who knowing the right, intends the wrong, is not wise; that is, a fool. Above all things, give me a good judgment as the foundation of morals: and the communicating of knowledge is strengthening the judgment.

I admit that there is such a thing as being of a bad stock; and the moral qualities are as communicable as the physical constitution, or the features. Hence it is that I would look to the stock in the selection of subjects; but still more to the physiognomy of the youth himself. For I think it possible that Curran, who cannot but have a good heart, yet may be of a germ from one of the worst stocks that ever trod the bogs; for there are anomalies in nature, which set all observation and experience at defiance. I cannot think but that he must have a good heart; because it is impossible for a heart to be warm that has not a love of virtue. His eloquence is to me *prima facie* proof, at least, that he is benevolent.

But pursuing my observations on the main point, I say, to form an orator I would cultivate the understanding. What is eloquence, but good sense expressed? The *vox, et prœterea nihil;* voice without sense, is provoking. I grant that sound may do a great deal; but it is as but the rushing wind. The effect of but a persuasive speech is like the moving force of waters. The tide rises without noise; but the effect is irresistible.

By the precepts of one whose experience has enabled him to judge of these things, a bad habit may be prevented or corrected. But it is the application only that can confirm the precepts. Hence it is that there is no forming an orator, but when the attaining some object by the speaker elicits his powers. A man that has his life at stake, and what is next to this, has his daily bread to get by his mouth, will not miss the thought, the word, the pathos, to accomplish his purpose. Hence it is that the bar is the only school in our government for real eloquence. In the deliberate assemblies, the speaker is thinking of his constituents, and is a slave sent forward to serve a party founded at home. I would sooner drag a cart than be a representative on such conditions. Hence it is that a man of talents has no prospect in a public body, but to make himself unpopular; unless on some occasion when the people are alarmed for themselves, and party intrigue is put down by the danger of the occasion. It is thus in a storm, or other perils in life, abilities are in request, and abilities alone are looked to, or called upon. At other times they are the objects of envy, and combination to bring down. Hence the disposition to bring forward men of secondary or inferior talents, and the jealousy of real talent, and superior abilities. When such an one now and then breaks through these barriers, there is no end to the extravagance of the praise bestowed on him.

Application to any science, and the acquisition of knowledge in general, is a drudgery in the first stages; and hence it is natural for the youth to excuse himself; and to hope that by the more easy exertion of his lungs, and the blowing of his mouth, he can supply the defect of thought. It is vexatious to the person who has labored to acquire knowledge, and has been led to depend upon the effect of solid reasoning, to find that blustering will go so far as it does; but it ought to be his consolation, and he will literally find it the fact, that of solid talents, it may be said, as it is said of truth, great is the force thereof, and it will prevail.

Magna est veritas, et prevalebit.

For solidity in mental talent is truth; and the appearance of intellect where it is not, is falsehood.

One of the best things that I ever heard by a lawyer to excuse himself to his client for having misled him in defending or bringing a suit, and I forget which, where he ought not—was on the honest man saying, did you not tell me *I had the law on my side?* And did I not tell the court so too? said the lawyer. Did you? said the client. Yes. The man could say no more. It would have been unreasonable; especially as the advocate had made as much noise as any one could reasonably expect in asserting his conceptions. But had he been informed properly in his profession, his embarrassment might not have occurred nor his presence of mind rendered it necessary; which, as it is what one cannot always command, it may be well to be without the necessity of it. Not that I mean to say, that any powers of intellect can anticipate what may be the way of thinking of a court and jury. There is such a thing as a bystander thinking differently from both. But that in general the public judgment, both as to merits of the cause, and the ability of those who manage or dispose, goes according to the truth. This is a consolation to the industrious and the diligent student; who places his dependance on solid, not on showy qualifications.

At the same time, the garnishing is not to be neglected. The voice is capable of formation in point of sweetness, as well as force. In point of sweetness, by diligent attention, and lending the ear to those who speak musically; in point of force, by exercise alone. It is as necessary to observe the key, at which to begin to speak, as for a musician in singing; so that he may retain the command of his voice under every passion to be expressed. It is to be observed that reading well is a different talent from speaking; and does not altogether depend upon equal cultivation. I leave this to be accounted for; I only repeat the fact.

Action is the last; the ancients thought it the first advantage of a speaker. That can be true only of the oratory proper for a popular assembly. That must be extremely guarded and chastened, that is used at the bar. For the least suspicion in the minds of a jury, that the passions are attempted, will excite distrust of even a good argument, and injure it. At the same time, while human nature is susceptible of the impressiens of grace and dignity, the manner of an orator must have a great effect. Hence it is that I recommend even attention to dress; not so much in the cloth, as in the fullness and flowing of the vestment, which appears to make the orator loom more.

I have an impression of having treated upon these particulars in the preceding pages, and that I may seem to repeat. But if any one finds fault, I charge him home with an expression of scripture, "line upon line, precept upon precept, here a little and there a little." It may be said that some of my lines, and precepts, and littles, may be pretty good; but that there is a great deal of trash. That this may be the case, I have acknowledged heretofore. But would the more valuable be read without the less? I applied to a hatter the other day to make me a hat; and requested him to make me one entirely of beaver, and not to mix racoon. The truth is, I thought he would charge me as much for the rorum as for the beaver, and therefore I might as well have the best. But he informed me that a little racoon mixed with the beaver would make a better hat than one all beaver. It may be so with my book, which is calculated for all capacities; and a mixture of images drawn from high and low life, with painting serious and ludicrous, may conduce to the being more read; and lasting longer in the world. Or should it not be read, and that object fail, it is amusing to one's self to indulge variety; to discumb and to rise.

CHAPTER XXIV.

Party Disputes—Perfectibility of Man and Beast—The Governor is requested to appoint a Quadruped to office—The Visionary Philosopher.

The altercations which took place, were almost general with all ranks of the community, for the perfectibility of man and beast. And some taking the side of the men, and others of the beasts, dwelt pretty much at large in their harrangues, upon the want of talent, in the bulk of the community, to execute offices, or discharge trusts; so with others, whose argument was the indiscriminate capacity of all persons, it was contended that there was no man so destitute of natural powers as not to be fit for an office. Nay, what is more, that even less than what men in general possess, might suffice. As it is the nature of all contraries to run to opposite extremes, so it was even at length carried so far that some undertook to support an opinion, that even that degree of mother wit which some beasts possess, might suffice. In the heat of debate, in the warmth of argument, it was insisted on that the experiment ought to be made. Why did not the Governor appoint some quadruped to office, and see the result? Was there ever any thing ascertained in matters of science, but from experience? Experience was the test of government. We did hear of apes and swine being in office. This was meant as abuse; and might be the cause why a prejudice had been entertained in making these actually, and *bona fide* officers of government, or members of the Legislature.

It contributed much to give currency to this way of thinking, that about this time there came a visionary man from the seat of the general government, who was called the visionary philosopher; and well indeed he might be so called; for he had adopted the opinion of the practicability of the civilizing beasts and making them members of the community. It was with a view to reduce this system to practice, that he had made an excursion to the new country, conceiving that prejudice in favor of the old system, would be less likely to exist there. He laid it down that human society from the earliest time, had been organized on wrong principles; that nothing was right in it, that it must all be taken to pieces and built up anew from the very foundation, out of the same materials Nothing was more clearly erroneous, according to him, than the notion that what we call brute beasts, were incapable of forming a part of rational communities. Indeed he hinted very intelligibly, that if he had had the creation of the world, he would have made a very different affair of it.

He had been several months broaching the matter amongst the common people, which is always the way with innovators, before he thought proper to wait upon the Governor, and to impart the discovery. This he had at length done. The Governor, as we have seen, was a man of that mildness of character that he did not decline a conversation on the subject, though he thought it extremely absurd. But affecting to listen to his reasonings, he answered him at length with some abruptness, but in a tone of voice softened as much as the nature of the reply would admit.

It is a wild project, said he, but I see it must be tried. The people will have their way, and restraint will but dam up the current and produce a flood that will produce an inundation and carry all before it.

The people had been naturally led from the idea of property giving the right of suffrage, to that of the property itself exercising this right; and herds and flocks, *persona propria*, coming forward *viva voce*, or with a ticket; and this by an association of ideas, introduced that of being capable of being elected. But it did not occur to them until suggested that the representative is chosen, or in contemplation of the constitution, supposed to be chosen for his superior knowledge and information over that of the constituent. At least it ought to be a principle upon which the selection is founded. And in the original of the English constitution, we find the representatives were called the *wittena gemote*, or the assembly of the wise men, Nor when it was suggested, did it stick much with them. Nevertheless, they thought it not amiss to give the beasts some education; provided their nature was improvable, which, from what was heard of the learned pig, could not longer remain doubtful. This being the case, it might be tried how far a four-footed creature could be taught the arts and sciences, or instructed in the principles or morality, or the rules of good breeding; not to go so far as to constitute colleges, and academies for their use; but common reading or writing, or, perhaps arithmetic as far as the rule of three.

There are philosophers who assert, with great plausibility that the highest powers of reasoning, are but a gradation from vegetable life. If so, it must be a greater start from the tendril of a vine to a vermiculär substance, than from a creeping thing to that which walks on all fours. From thence to the human species, is a leap not more extraordinary. That man may have been once an oyster, was the opinion of Darwin; but that he might have been at least a marmoset, was the opinion of the visionary philosopher. He was sanguine in the undertaking to instruct and civilize the brutes. Nay to fit them for offices, and the discharge of trusts in the community. He had caught a young panther, and, with a chain about its neck, had put it to study law with a young man of that profession, who wishing to get forward in business, thought it would do him no harm, though it might not do the panther much good.

There were those who bore testimony against this, being of opinion that lawyers were bad enough, even when made of the best materials. They were supported in this opinion by some reflecting persons who could not conceive that this animal could ever be made capable of explaining a matter to a jury; or stating a point of law to the court. What is it, said the philosopher, whether he may ever be able to explain himself intelligibly at the bar. Cannot he grin, bite, squeal, and shake his tail? Is it with sense, that a jury, or a court, are always moved most? I wish to prove that reason goes but a little way to make learned counsel. The main matter is to satisfy the client; who will be oftentimes better pleased to lose his cause in the hands of one that will make a noise, than to gain it by him who says little. At least he will have less scruple in paying him. For he will not say, you had not much trouble; you said but a word or two; not considering that a rifle shot, is more certain and deadly than any quantum of sound from a blunderbuss.

An ecclesiastic was at hand, who had an antipathy to vociferators, being himself a man of weak voice; he took this opportunity to express himself against declaimers. It is true, said he, the sound of rams horns blew down the walls of Jericho; but that was a most extraordinary blast.

And not to be drawn into precedent, said a lawyer who was by.

It was an extraordinary blast, continued the ecclesiastic.

But the human voice is stronger than any wind, said the philosopher. No wind blowing will shock an army like that of the shout of a main body about to engage, though since the invention of gun powder, it is not so common as in ancient times, among the Greeks whose electric shout, the shout of freemen, struck terror into the hearts of the slaves of despots.

CHAPTER XXV.

The visionary philosopher, persists in his attempts, to convert beasts into rational beings.

Although the governor's opinion seemed to be against him, yet the visionary philosopher still persisted in his idea that the brutal nature was capable of cultivation, if not in moral qualities, yet so far as respected the *acumen ingenii* or the powers of the understanding. He had before this time turned his attention to the instituting an academy, where he had a number of animals, of different species, and amongst them some squirrels which he had put to study algebra.

Harum Scarum thought he had better have begun with music, and taught them to play the fiddle, as some had already the motion of the bow, from the instinct of scratching.

No jibe or jeer could move the visionary man from his purpose. He argued that it had been the case with all experiments, that the bulk of mankind were incredulous to the first essays. And hence it was that in medicine, quacks had led the way in all improvements. In the profession of the law, precedent had enslaved. In mathematics, Erra Pater, that wrote the book of knowledge, was thought a visionary man, though, since his time, greater credit has been attached to the casting nativities. The diving bell was an invention of Sir William Phipps of New England, and no one had faith in the success of it until he actually explored the galleon at the Bahama Islands, and showed the treasure he had got from it. Paracelsus died with the secret in his mouth, of the elixir of longevity, owing to which accident, it is perhaps that men do not live now to the age of a thousand years, although there are some who very foolishly will have it, that the elixir was nothing more then *Alcohol*, or *aqua vitæ*, whose effect is to shorten life instead of making it longer. Parrots, jays and blackbirds have been taught to speak: and why not sqirrels and raccoons?

With these reasonings in his head, he was busy instructing certain quadrupeds in their gesticulations and grimaces, that had the appearance occasionally of disputants. The chattering which some of them exhibited, sounded not a great deal unlike,

Bocarbo, cesario, ferio, baralipton,

— terms which logicians use.

A number of horned cattle in an enclosure, he was engaged in disposing to take the floor in turns like members of a legislative body. He had employed a stenographer to take down their speeches in short hand. With these he could use the same liberty that he had been used to take, with members of the human species, which was to make the speeches; or at least to new model them in such a way, as to be a caricature, or an improvement.

Stenographer, said the Governor, for he had the curiosity to visit this menagerie, when you make a speech for a bear, as for instance for that Bruin which I see chained, you will be careful to make it rough, surly and congruent to nature. The lowing of the cow, and the roaring of the bull, must be translated into loud sounds, very different from the mewing of the cat, or the squealing of the pig.

By all means, said he every thing in character.

Now, said the Governor, with respect to a legislature of beasts, it will not be thought a matter of ridicule, to paraphrase what is said as spoken by a buffalo; or to insinuate the insignificance of a member by calling him a sheep or an ass; or to designate his cleverness in a debate by saying he is a horse; for in this case all things will be without figure and the truth.

However, the people thought the man deranged; and it would seem to me not without reason; especially when he had incurred considerable expense, in purchasing up subjects of tuition. He had trappers in the woods; and horse jockeys employed to pick up lively colts that might seem to be of parts, and scarcely a drover passed through the settlement, with black cattle or swine, but he was bartering for a calf, or a sheep.

Application had been made to a magistrate for an order to confine him. On a habeas corpus, he was brought before the chief justice, and made his defence.

Chief justice, said he, though you are blind, in a certain meaning of the term, yet I flatter myself you can see pretty plainly into this matter. It does not follow that because a man is deficient in one sense, he is destitute of another, or rather one organ only may have any defect, while all the rest are in the highest degree perfect, so as to supply the deficiency of those which are diseased, or wanting. It is well known by observers of human nature, that where one sense is denied, the remaining become stronger. Even where an arm or a limb is lost, of the human body, the arm or the limb which remains acquires an increase of power, as if to supply the want. Would Tiresias have ever passed for a prophet, if he had not wanted outward sight? Or would Meonidas have written rhapsodies, or Milton his divine poem?

> " So much the rather, thou celestial light,
> Shine inward, and the mind through all her powers
> Irradiate! There plant eyes! All mist from thence,
> Purge and disperse!"

Not that I suppose that a man has equal advantage in describing an object who has never seen it, but takes his impressions from the description of others. For it must be rare, if a thing at all in nature, that a man can be a poet who is born blind: but having lived to a considerable age with his eyesight, and received all the images of things upon his mind, from the originals themselves, it may be possible for him; nay it may be with advantage over others, that he can recollect these, and become more familiar with them in a reflex view, than if he was disturbed with the images themselves renewed from without. Certain it is that a man can think more deeply and closely with his eyes shut, then if he opened them on surrounding objects. Darkness and silence are favorable to contemplation.

Philosopher, said the chief justice, you do not seem to be a plain man in regard to thinking closely. You wander from the point. You are to be informed that you have been taken into the keeping of the law, not as a bad man, but as one standing in need of a protector, conceiving you under the calamity of being a little deranged in your nervous system, from a fever possibly, or some cause which constitutes a malady, not a crime. The inquiry is whether you are in your right mind; a suspicion to the contrary of which is excited by your congregating cattle and wild beasts, in order, as you say, to civilize them, and make them members of society.

Experiments of this kind have, with great difficulty, succeeded with the savages. And indeed, where they have succeeded, it has been chiefly to the southward, where the system is more relaxed, and the temper mild. It appears madness in the abstract, to talk of humanizing brutes, that are behind savages, and at a great interval.

That I deny, said the philosopher.

"Haud magno intervallo", said the Latin schoolmaster.

I say that many of the human species are not before the brutal.

"Man differs more from man than man from beast."

These things are figuratively spoken, said the chief justice. In poetry or prose, the meaning is no more than that a portion of our species have so far degraded themselves by obedience to the sensual appetite, especially in swilling intoxicating drinks, and in gormandizing, that like beasts they lose the face erect to heaven, and are constantly looking down upon their tables, without mental enjoyment; or, that from a neglect of the cultivation of moral reason, they may seem to want but the horn or the hoof, to be like the cattle that graze the commons. This is no more than the sentiment of Plato, which, with the expresssion in which it is clothed, is given by Longinus, as an example of the sublime.

I am not just so far lost to reason, said the philosopher, as to take figures for realities. I know that a figure is but a short simile, or fable, hit off in few words; and the orators or satyrists, among the poets or philosophers, in their moral essays, by their burstings and castings, mean no more than to dissect insignificance or degradation or sensual indulgence. It is not their intention to communicate the idea that men actually become quadrupeds, though I have seen some not far from it. But still this does not affect the question, how far the nature of beasts may be improvable. But admitting the absurdity of the attempt, and that it carries with it a presumption of derangement of the brain, is the insanity prejudicial to the community? It can be but time thrown away which, supposing me a man beside myself, cannot be of great value. I purchase all my stock that I employ my pains upon, with the exception of a few that have been bestowed to me.

I had a present made me of an elk from the mountains. This I am forming for an ambassador, for which if he does not turn out fit, he can be disposed of to a museum. Why should it be thought impossible to instruct the four-footed creatures, and render them capable of suffrage, if not of office? Why should it be thought more improbable than the schemes of Godwin, and other philosophers of the present day, who talk of the *perfectibility* of man—that is of raising him up to a level with the angels, by a course of education or training? I have a great deal of trouble with them in my school, it is true, for they are apt to play truant. A young fox broke off the other day, and I have not been able to recover him.

The discipline which I find it necessary to enforce is not the mildest. I use a pretty rude ferrule; and I have occasion to exert authority, to quicken parts and application.

If I succeed, in bringing these sans culottes to be good citizens, I shall have deserved well of the republic; and if I should fail, no one's labour is lost but my own. Experiments in every other way are indulged; and even patents granted, where the invention has but the appearance of succeeding. Why may I not be allowed to turn my attention to the making a justice of the peace out of an elk, or a judge out of a buffalo, if the thing is possible? Especially, as instead of making a demand for my production, if I should be so fortunate as to be able to furnish these out of my manufactory, it will cost the state nothing for the education, and as to the officers themselves, the forage will be less expensive; in some cases a few tufts, in others a little grain will suffice. If a horse-judge is invited to dine, a peck of oats, of grass or corn, and a bundle of hay in the stable, and truss of straw to litter him at night, will be all that will be wanted.* This will be a great saving to poor rogues that may wish to have it said that a judge dined with them; not that they care for the judge, but that people may think they have the law on their side. I say that hospitality in this way, will be less expensive, and economy, if not a moral, is at least a political virtue.

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* The author rarely looses an opportunity of showing his disapprobation of the practice of inviting the judges to entertainments often by rich suitors.

But independent of these contingent advantages, and barely possible, if you please, advantages, the money circulated in the settlement by this instruction, or a college of any kind which cannot but bring money, must increase the value of property.

This last argument was popular, and struck the crowd *de circumstantibus.* Several counsel present as friends of the court, put in a word, catching at popularity, and gave their opinions that they knew of no statute in the case; and that, by the common law, every man had a right to traffic in such purchases; and that no enquiry could reasonably be made, when a man bought a pig, whether I meant to make a scholar of him, or a barbacue *

These arguments prevailing, the prisoner was enlarged.

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*In this satire against the perfectibility of man, and beast, the author, is not to be supposed to be an enemy to progress, and improvement in both. He only condemns the visionary, and hopeless attempt, to attain at once, to this perfection, in defiance of the laws of nature and all rational probability. He did not pretend to set a limit to improvement, or discourage every well directed effort to that end—he merely desired to see it determined by the process of practical experience, without assuming *a priori*, that beasts could be made rational like men, and men immortal as gods. No one can fix an exact limit to the power of man over nature, or say thus far mayest thou go, and no further—while on the other hand, it would be presumptuous to say, *that his power is without limit altogether.*

CHAPTER XXVI.

The author considers the difference between the brutal and human nature. The difference is in kind, and not in degree.

It is a melancholy consideration how nearly the brutal nature borders on the human; because it leads to a reflection that the difference may not be in kind but in degree. But on the most diligent consideration that I have been able to give the subject, it would seem to me, that no reasonable doubt can exist of there being a distinction in kind. The brutal creation is not improvable beyond a certain limit; and that limit is reached at an early period, by what is called instinct. The mind of a beast grows up to its size as naturally as its body. And though the capacity of a man of a very heavy nature may seem not a great deal beyond that of a sagacious quadruped of some species; yet is capable of continual enlargement; and, at the latest years of his life, until perfect superannuation, is susceptible of new impressions. If the strength of judgment in comparing objects, cannot be improved; yet the sphere of thinking can be extended. His ideas can be infinitely increased. What carries with it the appearance of virtue, in a faithful quadruped, does not seem to be the result of any reflex sentiment of duty and obligation but is more uniform and certain than human affection, which is a proof of something inseparable from its nature. It is the instinct of the bee which enables it to construct its mathematical cell, and it is no more reason, than operation of inanimate nature whether she forms a six-sided crystal, or a four-sided, or triangular one.

Except certain noises, peculiar to their natures, and of which all of the species are possessed, as soon as they receive existence, and which is an untaught language, we have no evidence of ideas in their minds annexed to sounds. Much less is there a capacity of a variation of articulation to any extent, worth mentioning. A traveler of good sense, who has seen the Cafrarian; or whatever other species, under the denomination of the creature man, at the lowest grade, would not despair if it was imposed on him as a condition to reserve himself from slavery or death, that he must take a young person from amongst that people, and teach it any language, or science, or abstract principle of knowledge; but if it was made the condition that he should take the seemingly most intelligent of the quadrupeds of the countries he has visited, and teach any thing like what is called a rational acquisition, he would say the attempt is not worth making; it is impossible. The seven wise masters or mistresses of Greece—alluding to a popular book under that title—the philosophers of antiquity, or modern times, employed for an indefinite space, would never teach him more in reality than he possessed in the woods from whence he came. He might be taught, by association, to connect certain movements of the body with those shown him; and by imitation led to make them, under fear of a whip, but that is all. It is humiliating to think that brutes of whose past-existence we have no hope, have even so near an approach to our nature. But it is consolatory that there seems to be something like demonstration that they are so far behind; that it is not in degree of intellect, but in kind that they differ; and that difference is so immense, that it is not unreasonable to entertain the idea of a totally different destination. This is reasoning from the laws of nature as to destination of the human mind, and upon which the philosopher must dwell with pleasure, as aiding what those who believe in revelation adduce as the grounds of their faith. For there can be no philosopher, who, whatever doubts he may have of religion, can be without a wish that it may be true. What is it more than being certain of what, even supposing it not to be revealed, yet the imagination of a man would contrive for himself as painting his glory, and his happiness? What is that which we call revelation, but a system of ideas representing a prospect ennobling to our natures, and which, not revealed, must at least be the conception of great and good minds intent on what would constitute the grandeur and felicity of the creature man? He that assails this belief does a great injury, and no good. I do not refer to the creeds, or modes of faith, which separate the different sects, often ruled by lean majorities. The immortality of the the soul cannot be a mere illusion, for it is a universal and natural instinct, independent of reason and revelation.

We have no means of getting at the exercise of the mind of a beast; so that we cannot say what may be the limit of their cogitations. But no one observing them has ever been able to trace any thing like an idea of what they have been; or a fear of what they may be. No uneasiness of mind seems to hang upon them from this source. Yet this anxiety is given so strong to our nature that it is the constant subject of our thoughts: our reasonings concerning it are infinite; our ærial castles which we build, even where they are the mere effect of imagination, are without end. We people all nature with beings for ourselves, even where we are not. What might have been Theogonies anterior to the time of Moses, in Egypt and other parts of Africa, we cannot ascertain: but from the history of the Jews, we have considerable information relative to that of Syria; at least of Palestine, the part of Syria, more immediately adjoining.

The heathen mythology, particularly so denominated, presents an immense scope; and which, with the poets, is yet preserved. It is a part of a learned, or even of a polite education, to be made acquainted with this system in order to understand the allusion of the fine writers, ancient and modern? What an immense exercise, and employment of the human mind must it not have been to build up such a system. However false we may suppose this peopling with celestial powers, or earthly divinities, it cannot but be consolatory to reflect that it makes a boundary or barrier at all times distinct between the human mind, however in darkness, and that of what we consider the mere animal creation.

We have but partial and obscure information of the systems of other nations, contemporary with the Greeks and Romans. But we see in what we have of these, the like evidence of activity, pressing beyond the bounds of what we see before our eyes, and fashioning to our minds images of existence. The nature of these, is usually a proof of the duration and refinement of a people.

Where the imagination was limited by the doctrines of revelation under the Mosaic, or Christian dispensation; as to the unity of the Deity, and ministers of good or evil to man how unlimited have been the excursions of the fancy, and the subtleties of the intellect, in the subdivisions of credence! The Talmud and the Targum of the Jews present us an immense field. The polemic divinity of the Christian schools, is more within our knowledge; taught in some section of the church, to the catechumeni, or propounded, in the pulpits. These disquisitions show the wonderfully metaphysical nature of the human mind—whilst no connected chain of reasoning, no reasoning about cause and effect, is perceptible in the brute, at least beyond one or two links of the chain, and only the result or operation of habit. Instinct is plainly distinguishable from reason—there is an instinct even in plants, as well as in the lowest order of animals, and more sure than reason.

On the contrary, there seems to be no trace of hope or fear, with regard to futurity, in the mind of a brute. I have observed with great attention, and I could never discover any symptom, in the smallest degree, of that horror which is felt by man at the view of a dead body—the abstract idea of death—the horror of ceasing to exist. The revulsion of mind which is felt at being in the dark, especially with a dead body seems not in the most distant degree, participated with any of the hairy or feathered tribes, neither in respect of dead creatures of their own species, nor of the human. No shyness of a church yard, has ever been remarked. Tales of apparitions, are told in hearing of domesticated animals, without the least symptom of that fear of being left alone which afflict families where there are nurses, whose memories are stored with relations of this nature. Memoirs of the Fairy kingdom, have no effect upon a dog, or a cat.

But where is the heaviest of the creature called human, that is not affected—nay, perhaps, liable to be affected the most? There would, therefore, even from this small ground of argument, independently of revelation, be reason to infer that whatever may be said, in figures of speech, or however really man may degrade himself, by denying to himself an immortal soul, yet, in the scale of being the lowest is by an infinite distance in his nature, above a beast.*

That gregarious animals are susceptible of a kind of civil government, is certain. But their regulations seem to be a law of their nature; at all times the same: without changes in any country, or at any period. As to the philosopher, I have dwelt long enough upon his reverie, which I thought might amuse young persons, and I omit what further occurred, the contrivance of Harum Scarum, and Will Watlin, to confirm him in his hypothesis. This was to dress themselves in hair and bear skins, and to pass with him by running upon all fours, for educated cubs that had been taught languages. These were frolics of which the governor did not approve; for it is not becoming, to be amused at the expense of persons deprived either of the gifts of reason, or of the goods of fortune. It might not perhaps be blamable to be diverted at the mistake of some weak people, who were imposed upon, and became alarmed at the idea of their being candidates for the legislature, at the next election, and sent forward to take a seat. This was what the wags threatened in their disguise; and when the caprice of suffrage was considered, who could tell but that the apparent quadrupeds might make good what they spoke.

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* This very subject is one, which, since the above was written, has occupied the attention of philosophers, especially the German; The Infidel and visionary school contends, that the difference is in *degree*, and not in *kind*.

CHAPTER XXVII.

The author apologzies for the preceding chapters, on the subject of beasts.

The preceding chapters may be considered extravagant, and exceeding all probability. But is it a new thing in the history of government, that the right of suffrage should depend upon property? No man shall vote unless has has so much, say some of the constituents. In this case is it he or his property that votes? If it cannot in cattle, can it be said that cattle do not vote? Ergo, a cow, or a horse, in some communities have the privilege of a vote in the enacting laws. If in some of them, who belong to hard hearted masters, knew of this privilege, and could exercise it to the whole extent of their wishes, they would stipulate with the candidate, for milder treatment in the drudgery in which they are employed. I have seen many a horse, that considering matters individually, and apart from the nature, I have thought more respectable than the owner; and yet this horse most unmercifully treated.* The only universally distinguishing criterion of humanity, that I know is, the mild treatment of every creature that has feeling, and is in our power. This ought to be inculcated as a moral duty. But as to beasts in *propria persona*, voting, not just giving in a ticket for themselves, but standing by, and neighing or grunting, or grinning; it may be thought too much yet. But why should it be thought altogether out of the compass of possibility? After what I have seen and heard of minkind, I should not wonder at such a thing taking place. It would be Utopean to look for perfect equality in practice, as well as in law, as long as some men are wiser, than others as long as there is dependence. We call ourselves rational beings; and, yet alas! of what absurdities is not the human mind capable? Who would think it possible were it not a fact established by ten thousand testimonies, that human sacrifice could ever have been thought acceptable to the divinity? It is easy to trace the origin of the idea, and the policy of the sacrifice of cattle; because it facilitated to an order of men who did not labour, the means of livelihood. It may be considered as still more absurd, that a creature, supposed rational, as man, could be so far irrational as to think that the punishment of himself could be acceptable to divinity, unless taken in the light, the present smart might help weak minds to refrain from the like wrong they have done; connecting the flagellation with the memory of it. Hence it may be said, that it is not out of nature, to ascribe any thing however absurd to the creature man.

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* The following, 1852, is one of the lates samples of that wild extravagance which from time to time rages on the popular mind, at least of a portion of the people.

"Some of the clergy in the eastern part of the county (Clarke) say that they are inspired by the spirits, and that their sermons delivered out of the pulpit are not their own, but that they are the instruments through which the spirits operate upon the mass of the people. We understand that these divines, or the spirits through them, say that the Millenninum has commenced, and that in less than five years the wicked are to be swept from the face of the earth; and the righteous are to inherit it forever. It is reported that one of the divines said, on Sunday last, while preaching to a crowded house, that not more than a dozen of his audience would ever pass through the shades of death. It is also said that the spirits have informed the people, through the mediums, that the old way of baptizing is all wrong, and that they should use water instead of wine for sacramental purposes; and we are informed that the people are following the directions to the letter? A new church has been organized, called the Church of Christ, and a meeting is now being held, which commenced one week ago, and is to continue until the spirits tell them to stop. We are told that some are so infatuated with this new religion that they do not do a single thing without first consulting the spirits. The excitement in the neighborhood is great, and some of the best men in the county are strong believers."

The line of the poet Pope applied to an individual, may be parodied, and applied to the whole species.

> "The greatest, basest, meanest of all kind."

If a chapter like this had been written in the course of the revolution from the government of Britain, representing the body of the people in some state, as reprobating the common law, and calling out for its abrogation, would it not have been thought extravagant, and intended as a burlesque upon the republican institutions of the country? And yet we have seen this actually pressed and not far from being carried. It amounts to the same thing as having no law at all. For it is experience that has made that law; dictated by the wants of man sucessively brought to view.* And to begin again, we must be in the situation of those who had no law; and therefore the proposition was to be without law; and to have law only as a legislature, from occasion to occasion, could enact, —the case that first happened, could have no principle, that could apply to it; that must be provided for the second; and at the end of a thousand years, we might have such a body of laws, as that which is proposed to be abolished. I say we might have; but it would be a rare chance if we should. How should a man be sensible of this, that had not traced the history of that law, and examined the nature of it? It could not be expected from one who had confounded its perversions with the law itself. If when the constitutions of these states were formed, after much reflection of the ablest judges, and the people had solemnly and deliberately adopted them, it had been stated by any writer, that in the short period, of perhaps not more than twenty years, innovators not born in the country, or born late, and having no experience of what had past, should assume the language of what they call reform, to the extent they have done in some places, would it be believed? Nay, would it not have been rejected as outraging all probability? But must there be no progress? Certainly, there must—although mere NOVELTY is not progress. It may be retrogression. Progress, is taking a step beyond the highest degree of present advancement, and losing nothing that has been gained. There is no knowing to what the love of novelty may bring the human mind. It is a strange compound of the rational and irrational: and it is only by turns that the rational predominates.—"Thinkest thou me a dog, that I can do these things?" said Haziel. Thinkest thou me a beast, may one say to me, that I could advocate the suffrages of beasts, or of giving them the elective franchise? We know of one who made a senator of his horse, and the same folly may make voters of beasts. Yes: human nature, I do think you capable of being brought to such absurdity, or to any thing else you please to call it. It is true, I do not see you at this moment offering up your children, or your enemies, as sacrifices to please a divinity, which out-Herods Herod, in all conceptions; yet I hear doctrines published, and see them in books, which are still worse. For their divinities, with the exception of Jeptha and his daughter, were the false divinities of the heathen world; and might be supposed to delight in the miseries of mortals; though what good they could get by that, I cannot comprehend. But in the doctrines I have in view, a good deity, and even represented as good, by these unintential blasphemers of the Deity without knowing it, is represented as having created existences, the sum of whose misery may exceed the happiness. Nay, who are predestined by that good divinity to be damned from all eternity! At least the escape from the excess of misery above that of happiness, may depend upon chance—as the idea of felicity in a future state, depending upon subtilities of creeds, is placing it upon the mere accident of situation, and the casualty of belief. Yet if one were to deny to some doctors the truth of what they teach, they would be disposed to treat the individual as not a good christian. It is true, they would only say they did not think him a good citizen: But I would say to them, that I did not think them Christians at all, so far as regarded opinion, whatever they might be in practice. For the Christian religion is a system of humanity and truth; and the great object of it is to secure morality amongst men. It has no metaphysics in the nature of it, but is intelligble to a child, though catechisms are not. The idea of representing the deity as an object of terror, and as contriving unimaginable torments for his creatures, must have been borrowed from the examples of some of those despots who has been the scourge of the human race. I believe in christianity, but not in the creed of any man unless it conforms to my own reason. How preposterous in Calvin, and others of the reformers, to claim a right for *themselves*, to take their creed from the Bible, and yet assume to deny this right to others, or what is the same thing, require them to receive *their interpretation;* as matters of faith, and deny the right to differ from them? And is not this the practical effect of all creeds? None are christians say they, who do not read the Bible as we do—who dare to set aside our articles of faith and think for themselves! You are at liberty to vote as you please, said a French Colonel to his soldiers, at the election of Emperor, but if you don't vote for Napolean, I will shoot you! It is the duty of every one to think for himself, for his responsibility is his own, solitary and individually

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* No invention of the imagination can go beyond the reality, in the extravagance we have occasionally witnessed in this country of boundless and uncontroled freedom of opinion. Not to speak of Agrarians, Fanny Wright people, Mormons, Millerites and others, a party has actually sprung up, called non-resistants, who resist all law and government, and declare themselves excluded from the pale of civilization and society, but instead of betaking themselves to some desert island, most preposterously enjoy the benefits of that protection offered by government and law! The agrarian, or equal division of property, is one of their principles. They denounce as *robbers and plunderers*, all who hold separate property, while others have nothing, and it matters not whether this destititution is occasioned by their vices, or folly, or misfortune.

CHAPTER XXVIII.

The subject continued.

The author is well aware that some things he has related, will not only be deemed improbable, but some of the less charitable may be disposed to call in question his veracity, as a historian. But how can any one undertake to say what is extravagant, or what is incredible? Who is there, at this day, that will call in question the truth of the rise and progress of the Corsican adventurer—and yet this is most marvellous. At a future day, when the lights of history shall have been obscured, who knows but his adventures, when written, may be laid on the same shelf with those of Amadis of Gaul, Don Bellianis of Greece; or a small book entitled the Seven Champions of Christendom? It is in the cards, to use a phrase taken from the gamblers, and not at all improbable, that his fall may be as rapid, and not less extraordinary than his ascent.*

It is perhaps somewhat owing to a defect in the narration, that an air of improbability is thrown upon a history, by not entering sufficiently into a detail of the transactions. There is a remarkable instance of this in the history of the American war by Ramsey, in which he notices the capture of threo vessels, and 1500 men of the British by a stratagem. Perhaps not 1500, for I have not the book before me; but certainly some hundreds. All this by four of a Georgia regiment and an old negro, a waiter. It was in all the Gazettes of the time; but the details were not given. It is also mentioned by General Lee, in his memoirs; who, though he gives some particulars, yet is not minute in his statement of the circumstance. It was at night by making numerous fires and then sending a flag in the morning. The vessels had grounded. There is no doubt of the fact, however; nor would it appear doubtful to any one, provided the circumstances were minutely stated, which led to the success. But it is not consistent with the object of this work, to introduce this narrative by way of episode. I mention it only as an instance, that the improbable is not always false. The study of brevity, is a cause of the omission of incidents; an unwillingness to detain the reader. And yet the great charm of ancient historians, is the minuteness of painting. But I will say for myself, and at the same time it may be an apology for other historians, that the extreme study of brevity arises frequently from too much sensibility to public opinion; too great a fear of wearying the reader. We are not sure that what we relate is of sufficient importance to engage attention; and we endeavor to crowd the more into a narrow space. This is an attempt to make up by condensing, what the material itself wants in its quality.

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* This was written some years before the event, which occurred only the year before the author's death.

But the want of probability has not been an observation in the mouths of all the readers of this work. On the contrary it has been thought by some, that the incidents have been all so common and natural, that there is nothing improbable in them; and that the triteness of occurrence, rather than the unusual, and extravagant, ought to be the objection. What extraordinary can there be, say some, in such a creature as Teague O'Regan receiving appointments to office, or being thought qualified for the discharge of the highest trusts? Do we not see instances every day of the like? Is it possible to say how low the grade of human intellect, that may be thought capable of transacting public business? It will be seen in the subsequent part of this narrative, that the joke has been carried farther than the lowest possible capacity of what is found amongst men; not just a block of wood, for that would be assigning intellectual functions to an inanimate substance. And yet, even this has not been without a parallel in the history of the human mind, as to what has been one subject of the belief of nations. Did not some even make gods of stocks and stones, assigning to them celestial natures, and placing them above a mortal existence? Under this impression, some have been forward enough to tell me, that, so far from my bog-trotter being a burlesque upon human credulity and pretension to office, that the bulk of men in office are below even his qualifications; and that if I were to go into any deliberate body, and pull out the first man that occurred to me, nine times out of ten, I would find that I had a Teague O'Regan by the shoulders. I have no idea that things are just brought to this pass, notwithstanding there may be colour for the allegation. For undoubtedly there is nothing in which men are less disposed to question their fitness, than in what regards the endowments of the mind. A horse not a hunter, will not leap a five-bar gate, nor attempt a ditch of the same number of feet in width, unless he is greatly pushed by the rider. For the animal will have the sagacity to know the distance it can surmount. But such is the sanguine temperament of the human mind, that each one thinks himself equal to any undertaking, that depends on that quantum of mind, a thing which can neither be weighed or measured, or be perceptible to sight or touch. Without public opinion, there would be nothing to restrain self-love, or rather self-conceit, in this respect. In many instances even that is no restraint, nor is universally correct, for some may not be justly appreciated. This is the moral of this book, and the object of setting the example of the bog-trotter before the people; not as what is universal in every instance of a candidate for office; but as an instauce of what is too common, and which ought to be avoided rather than imitated. For be assured that, as far as my observation goes, it is not the way to happiness, to court an advancement by a rise that is unnatural, or to think of being respectable by the mere possession of office, or delegation. The post of honour in such case, is rather that of a private station. But it is experience only, that, with an individual, or with the public, can sufficiently establish a conviction of this truth.

The passions of men being always the same, under like circumstances, they will show the like ebullitions. It must be admitted that, under this new government, reverses, as they may very properly be stiled, were much more extravagant. And if it is considered as having a relation to what has happened, elsewhere, or has actually happened any where, it must appear outre, as the French style it, and beyond the life. The extravagance of the caricature is only to render the truth more striking. There is a likeness and a better likeness; a resemblance and an exact picture. But a caricature is not to come under the rules of painting from the life, or to the life; but on the contrary, of giving you to know what is intended; but at the same time showing you something different from the thing itself: in other words, suppressing the beauties, andgiving the faults. For, where the graces and deformities are mixed in the object, you are apt to fall in love with the deformities, for the sake of the graces. The use, therefore, of the caricature, is to put the deformities by themselves, that they may cease to be the object of imitation. Did any one ever see an imitator who did not copy the defects, even though he did not mean to do it? I say nothing of Alexander's courtiers having their necks awry, for that is a common place illustration. But it is with a view to serve future times, that these things are handed down. The cupidity of man still continuing the same, the like convulsions at no distant day will occur, and unless well managed will terminate in the overflow of liberty. For it is only by the permanence of establishments, constituted on the basis of freedom that liberty can be preserved. And if constitutions once come to be played with, like battle-doors, there is an end of stability. Every new man must have a constitution; for he will wish one to suit himself; and he will have no doubt but that he can make one, that will at least have in it what he wants. Or the constitution now existing may be trampled in the mire. Some popular demagogue may amuse the people by prostrating the barriers provided for their own security. One thing is certain, that when our democratic institutions shall be overthrown, the people themselves will be made the instruments for doing it. Some popular measure will be the entering wedge. Instead of the word *overthrow*, I should rather have said *undermined.*

Will there be any end to the projects of innovators, in matters of law and government; especially where the least informed are equally entitled to an opinion with those of the greatest experience, or the deepest thought? And to exclude any from the right of having an opinion in public affairs is impracticable, consistent with the enjoyment of liberty. The principle of the right must be acknowledged; what is more, it must be preserved and cultivated. It is only by reason, or by ridicule, that what is excessive in the exercise of the right and erroneous in the deductions of the mistaken, can be corrected.

In the propagation of a new religion, or in a new tenet of particular faith, what is moderate will not be likely to prevail in the opinions of men. The absurd is always the most popular, and this upon the principle that artificial tastes are stronger than the natural; and what produces the greatest excitement, is most pleasing to the mind. Hence it is, that mere morality, and the dictates of nature and truth, in the conduct of men, are undervalued, in comparison of the dogmata of those faiths which are fanatical, and which are embraced more readily than the rational. Unintelligible reveries are better relished in the pulpit than just reasoning, on the principles of right and wrong in the actions of men; and incomprehensible theological disquisitions are put into the hands of young people, as more substantial food for the mind than precepts of moral truth, which every step in life will bring into practice and explain.*

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* It does not follow because the author rejected religious creeds, he departed from every thing contained in them—he merely claimed the right to make his own creed, and put it in his own words. That creed was sufficient for himself, without forcing it on any other. It was against the principles and arrogance of any man, or set of men, setting themselves up as exclusive interpreters of the scriptures, against which he revolted. At the same time, there were some of their articles of faith, which he positively rejected. In consequence of this stand he brought down upon him the enmity of the clergy, and this work is condemned by them, in the same spirit that Protestant works are condemned by the Inquisition.

CHAPTER XXIX.

Consisting of Digressions.

It is a matter of self-denial in one not to introduce more quotations from the latter classics; being unwilling to incur the charge of pedantry. And yet to myself it is pleasing; because I perceive great beauty in the turn of the expression in that language; but still more in the Greek; though I do not quote it because we have no printers who have the type, to set the words and it looks badly in the common characters.* As to French I never come to like the language, *or to feel* the delicacy of expression perfectly. Nevertheless I am not wholly insensible of the neatness and perspicuity of the style of some writers in that language, in preference to others, as of Voltaire, or Rouseau, compared with the bulk of these who have gone before them. But of all languages, the Greek, unquestionably, with me, has the preference; and yet it cannot be supposed that I understand it as well as my vernacular; nor within many degrees of it; and yet I think it a thousand times superior. Pinkerton, thinks that the Greek is derived from the German; and that the German is the original Persian: that in some convulsion of the Persian empire, at an earlier period than we have any account of, some portion of that people had emigrated, and passing to the north, had made the circuit of the Caspian and Euxine seas; and, at length established themselves in the heart of Europe. I can more readily conceive the Persian hardening into the harshness of the German sounds, than of the German softening into the fluidity, and sweetness of the Greek accent; but that there is a great affinity between the German, and the Greek, there is no one who understands both languages, but must admit, But independent of this, it is a proof of the affinity, that a German can easily learn to pronounce the Greek gutturals; whereas to those of most other nations it is difficult. That the Germans used the Greek alphabet in the time of Julius Cæsar, appears from his commentaries; though some have attempted to lessen the evidence of this by changing the words, Grecis literis, into Crassis literis utuntur; but clear it is, that a long time must have elapsed in the amelioration of the German into Greek; though I do not altogether reject the idea of these being the same language originally, as Pinkerton has endeavored to prove, both by the authority of writers, and by an historical deduction of the origin of ancient nations. I must acknowledge that until I had read his dissertation, I had been inclined to think that the Germans had been a people distinct from all others from the earliest period; for it is remarkable that, in the time of Julius Cæsar, before any mixture of the other nations had intervened, the colour of the eye, and the hair of all, were the same; the blue eye and yellow hair—

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* The work was originally printed in a village.

Cærula quis stupuit, Germani lumina, flavam
Cæsariem——

This quotation is from Juvenal, who puts this national characteristic of feature, upon the same footing as to being common with the swelling of the neck in Switzerland.

Quis tumidum guttur miratur sub alpibus.

Which swelling, called the goitre is not confined to the Alps; but is found at the foot of most high mountains; at those of Thibet in Tartary, as well as of the Allegheny mountains, on the west side; for it is remarkable that no instance occurs on the east.

But I return from this digression to the subject we were upon, the origin of the Germans, and the language of that people. I feel the more interested in this disquisition, because the Saxon, which was my vernacular tongue, is a dialect of the ancient German, and the mother of the English. The dialect that is spoken by the common people in Cumberland, and the adjoining county of Scotland, called the Low Lands, is Saxon. It is in this dialect that the old comedy of Gammar Gunter's Needle is written, which is the prototype of the Gentle Shepherd of Allen Ramsey. Many of the scenes, that of Maudge the witch in particular, are evidently borrowed, so far as respects the character of the personage. I wonder that it is not looked up, and printed with the Gentle Shepherd, that it may be seen how nearly they resemble. It will be found in a collection of old plays by Dodsley; amongst which the model of Shakespeare's Othello, in a tragedy by a certain Jan, or John Pafre, will be seen. In looking over these, it will appear that what is called blank versification, was written with great facility before his time, in that fluent way which he has preserved, and which is the only way in which it is tolerable to me, that of Milton excepted. For the versification of neither Thompson, nor Young, do I greatly relish; and that of Cowper as little. Congreve comes the nearest what I can bear.

But I recur to a consideration of the language of nations, not meaning style in composition, but the sounds by which ideas are expressed; and those sounds attempted to be communicated by letters of the alphabet; I say, attempted; for after all that can be got by the arbitrary marks which we call letters, it is by the ear alone that we can catch the real sounds that are intended; it is only by a length of time that the ear can catch a sound, or the tongue be brought to imitate it. It is for this reason that it is thought that those who have a taste for music, and some facility in catching a tune could most easily acquire the pronunciation of a language; though, I have my doubts of this; for there seems to be no immediate connection between the faculty of singing, and of speaking merely; not that I will undertake to say that softness of features and softness of voice are not connected; for beautiful features always appear to have more delicacy of expression, than the homely; and a handsome woman to sing more sweetly, if she can sing at all, than one that is what we call an ordinary person; whether it is that the imagination cheats the ear, and what is merely lovely to the eye, is also more pleasing to that organ. A young man in the pulpit is thought to possess greater powers of oratory in proportion as he has the advantage of personal appearance. In fact the goodly person has the advantage before any audience. Cicero considers stature, an advantage to the orator. A public speaker must be tall; or have such powers as to be able to make those that hear him forget that he is of a small stature. This was in the power of Garrick, according to the poet Churchhill.

> Figure, I own, at first, may give offence,
> And harshly strike the eye's too curious sense;
> But when perfections of the mind break forth;
> Fancy's true fire, and judgment's solid worth;
> When the genuine flame by nature taught,
> Bursts into act, and every word is thought;
> Before such merit all objections fly;
> Pritchard's genteel, and *Garrick six feet high.*

It strikes me as very extraordinary that those whose province is speaking, do not think of assisting the personal appearance more by the article of dress; I mean in the costume or model of the coat, which is that of the laborer, rather than of the *gown;* I meant to have said of the long robe, for the vest and coat that sits close to the body, and is short, has not the dignity of a more loose and flowing garment. And hence a speaker appears better in what we call a surtout, than in that which sits tight to the body. He will feel more easy in such a vestment; though he must be careful when he turns his back to the fire not to burn the tail; but at the same time, it will not do to take it up in order to warm back settlements, because a delicate man will not wish to have it brought into view that he has them to warm. For nature having antipathy to those parts has turned them behind, which Loginus notices, as an illustration of a precept of good writing. It is true the jockeycoat being slit behind, a corner may be taken up under each arm; but the attitude is ungraceful. A friend of mine once, for whom I had a great good will, introducing his son, asked my opinion what he should do with him—he had given him some education, and was at a loss, whether to put him to study law, physic, or divinity. I recommended to a handycraft employment. But experiment of a learned profession being uselessly made, the father, after some years, wondering at the sagacity I had discovered, having had no opportunity at the time I had given my opinion, of knowing any thing of the lad, but just seeing him on his being introduced to me, enquired on what ground I had formed my judgment; I told him frankly, that I had seen at a glance what he was in the stamina of his mind, by the manner of his turning his back to the fire, and taking up his coat behind. For there is delicacy of feeling which always accompanies genius; and which shows itself in even the smallest particulars. A diligent observer will find in what may be thought the most indifferent actions, enough to indicate the portion of intellect which has fallen to the share of a young person. For as a great general at a coup d'œil, or glance of the eye, can catch all the advantages of ground to draw up upon, and manœuvre his army; so one acquainted with the human physiognomy, and attentive to the movements of the body, can give a pretty good guess whether the boy is to be denominated a John Bull calf, or Nicholas Bottom, the weaver. I have not the same skill in the female character, and might be mistaken in my ideas of what a young lady might be brought to be; but having been employed a good part of my early life in the academies, and in the instruction of youth, I had acquired some degree of sagacity in distinguishing the aptitude for pursuits in life. And I cannot say that this has been the source of much advantage to me; but on the contrary, of much vexation, to see those whom nature intended for hucksters, and haberdashers of small wares, pushed forward into the learned professions, and calling themselves lawyers, or affecting to be politicians, and conductors of the affairs of government. I well know that no man's opinion can be considered as importing absolute verity; but so far as my opinion will carry weight with it I can say that I have known judicial characters who, if things had taken place according to their gravity in the moral world, would have been at the bottom of the stair-case; at least would never have risen higher than keeping a shop of merchandise, and in that situation might have been respectable.

For far be it from me to undervalue men's occupations under whatever denomination. It is the unfitness, the incongruity of talents for the occupation, that I arraign,

Felices agricolæ, sua si bona norint.

Happy might they be if they knew their happiness; that is, could they distinguish where it was found.

But returning from this second, third, or fourth digression to the thread of our discourse. I take it, the Basternæ were that people from whom the Saxons of the Weser and Vistula were principally descended. For after their repulse by the Romans, under Augustus, when they attempted to enter Thrace, they would seem to have pressed upon the west of Europe, and occupied this quarter. The Getæ, or Goths, were more upon the Rhine and heads of the Danube.

Turner, in his history of the nations which have emigrated from beyond the Elb, has proved, or rendered it extremely probable, that a great country was lost during the dark ages, on the west of Europe, of which Greenland and Iceland are remains. For it appears from the archives of Denmark, that from very ancient time, that kingdom had colonies in that quarter; and an intercourse had been kept up, which had been discontinued during the adumbration of the north from the inundation of barbarous nations. We are certainly but little acquainted with that corner of the earth; the Romans having had no knowledge of it, much less the Greeks, living more remote from the scene. It is but extremely little we know of the earth we live upon, so far as respects mankind; nor, perhaps, is it to be regretted; for to what purpose would it be to know more, but to increase our knowledge of bloody battles, or individual misery? Would it not rather be desirable that the whole remembrance of past events was struck out of our minds, and that we had to begin a new series? What happens every day now, is so like what happened before, that the sameness is wearisome. Instead of consuming so much time in acquiring a knowledge of history, we might employ ourselves in searching the mountains for simoles, or digging for minerals. Chemistry since it has been founded on experiment, and analysis, begins to be once more a fashionable study; but the fine arts, music, painting, poetry, and architecture, occupy so much of the time of the education for a young person, that there is not leisure or space left for the more useful pursuits. I have not mentioned statuary; for there are few amongst us that handle the chissel in any other way than as joiners or carpenters*. Carucchi was guillotined, as being concerned in constructing what was called the infernal machine, for the purpose of blowing up Bonaparte. It is astonishing that one so far above his species in the divine art of imitating a man by the fabrication of the hand, should have thought of destroying an original! It was this Carucchi that proposed the representation of America in sculpture, wringing the rivers from her hair. David the painter is also one of those wonderful personages; for such I call them, who possess the sublime of genius in one of the fine arts, that of painting. What would seem extraordinary, he was said to be one of the most bloody of the revolutionary tribunal, at least subservient to them. Now there is a decency, and fineness of mind, so to speak, in such kind of intellect, that it astonishes me, how cruelty can find its way to mix with it.

Is there reason to suppose that this earth is, with respect to some superior order of beings, but a bee-hive; and that they are amused looking at our working? And is it imposible on the other hand, that this globe, may be the *only one* of the millions of worlds in the universe, that is occupied by an intellectual creature like man? If so, what a sublime station does it not give to him who is placed, "a little below the angels!" It is humiliating enough to conceive our insignificance in the first, and therefore I repel the idea: but supposing it to be so, it must be amusing to them to see the same revolutions over again in the moral world. The like abstract notions in metaphysics and theology, with similar experiments in government. For it is true what the wise man observers, "there is nothing new under the sun."

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* This was written forty years ago. Many eminent artists, painters and sculptors have appeared since that day.

I have no idea that the Theogeny of Hesiod, as it is applied to action in the Iliad, and Odyssy of Homer, and continued down in the Æneid of Virgil, will be revived in the faith of nations, while any vestige remains of the credence. For there must be novelty in the hypothesis that will attract; though I will admit that boldness, or rather extravagance in the belief, is most likely to be successful.

The preceding dissertation on the origin of the languages of Europe, and incidentally upon other subjects, may seem incongruous with the ludicrous adventurers of Captain Farrago and Teague O'Regan—did it not occur to a diligent observer, that there can be nothing incongruous or inconsistent with a book which embraces all subjects, and is an encyclopedia of the sciences. It is an *opus magnus*, like that of Roger Bacon, the father of the experimental philosophy, to which his great namesake Francis Bacon added the experimental, which comprehends law, physic, and divinity. Were all the books in the world lost, this would preserve a germ of every art—music, painting, poetry, &c. Statuary it says the least about. Nevertheless, some hints are given that will serve to transmit the reputation of Phidias and Praxiteless, and stimulate the efforts of the chissel upon stone in generations yet to come. Yet disliking egotism and all appearance of vanity in others, I am unwilling to emblazon, beyond what is moderate, a production of my own. But, to speak my mind a little freely, leaving the Bible out of the question, which, is a divine book not to be compared to any other book; and looking to Shakspeare, Milton, Cervantes, and some others—but, modesty forbids the expression of what was just then passing in my mind.

CHAPTER XXX.

The visionary philosopher, and his experiments. A Monkey is Commissioned Clerk of a Court. Failure of the attempt. A hound is admitted to the bar, with no better success.

It is abundantly evident from the history of the human mind, that the more extravagant any opinion is, it is the more likely to prevail in sometimes and places. This will have been found to be the fact in many theories of philosophy, or systems of religion. Were there two such presented to me on any subject, which comes within the province of the imagination; the one rational and moderate, the other absurd and it were left to me which to choose, with a view to the speediest propagation, and the greatest number of adherents, I would take the absurd; for what merit is there in admitting what nobody, without an effort, could dispute? And independent of this, there is a secret power in the unknown, and incredible, to arrest the fancy and subdue the judgment. The outrageous, when first presented, shocks, and then domineers over the understanding. I would just as soon undertake to persuade the bulk of mankind, that they saw a bull in the firmament, as that two and two make four. At all events, when I had once got such a thing into their heads, as a buffalo grazing on a cloud, I would defy years to get it out again.

Hence it is not to be wondered at, if the idea of the improvable nature of beasts having got into the heads of the people, all reasoning with them was at an end. The visionary man had made prosolytes to such an extent, that the people insisted on an experiment, by raising some of the brute creatures, at least, to executive offices. The clerkship of one of the courts being vacant, great interest was made by the owner of a monkey, to have him appointed. The Governor was harrassed by the application, which was at the same time so respectably supported, that he could not possibly avoid the nomination. Not that even yet he had the smallest confidence in his capacity of discharging the duty; but that he might save himself from the importunity of the friends of the experiment. Accordingly the monkey was appointed, and his commission made out in form. He had remonstrated against the solicitation, representating his persuasion of the incompetency of the animal; but it was so firmly impressed upon the public mind, that the thing deserved a trial, that he was obliged to yield. For they insisted that, whatever might be the incapacity of the animal, the commission would supply the defect. Indeed they argued very plausibly upon this; and it seemed not to be without foundation that they urged, that it was every day before their eyes, that persons were appointed to office who were not qualified; and what was more, never could become qualified; and yet the world did not stand still; nor did even the order of society, and the affairs of men seem deranged. It is indiscredible what a little matter will go to support one in the discharge of an office. Hence it is not so absurd what the buffoon said, "let the king give me a commission, and I will see who will say I am not fit for it." However, in the present instance, it was carrying the jest, or, as it ought to be said, the experiment too far,

The monkey did not make out even to save appearances for a short time; whether owing to the mismanagement of those who had the command of him, or to his own incurable restlessness, and locomotive faculty. For being brought in, and placed upon the table, with the implements of writing before him, and the docket to make entries: the first thing that struck him was the basket of a fruiterer at some distance; and it was not a second of time before he had leaped upon it, and had a pippin in his paw. Being brought back, and put to his desk again, and desired to make a minute, he deliberately got up and made water on the table, the inkstand being in the way. This was encouraging to the sanguine; for it was thought he wished to have the ink made thinner, as being about to write. But no appearance of this, when the next bound was upon the bench, and the judge's wig hauled off his head, and pulled under the table. This was ruled a contempt of court, and pug was ordered into custody. It was with some difficulty that this was accomplished; the constable and sheriff exerting themselves to take him, but his leaps were so nimble, that it was not till after a considerable time, with the assistance of the whole bar, and the suiters of the court, that they could lay their hands upon him. In fact, it was not until some of them had their sticks upon him, and knocked him down, that they were able to entangle him in such a manner as to overcome his cantrips, and get him in a bag, as you would a cat, in order to prevent him from scratching.

Who could have thought that such a practical experiment would not have reduced the falsity of the hypothesis of the improbability of beasts to the extent alleged by some, to an evident demonstration? And yet so ingenious is the pride of the mind, to support the error which it has once patronized, that some did not even yet submit to reason and common sense. They averred a want of candor in the court and bar to have the experiment fairly made, alleging the craft of the profession: that pug could not have had fair play in the trial; that he must have been pinched in the tail, or in some other way, rendered unmanagable. For, that of himself, he never could have shown such unwillingness to discharge the duties of his office; more especially, as by showing him apples and nuts at a distance, it was a hint to him what he might expect in the way of fees, provided that his capacity, and his diligence, was found to equal the hopes his friends had entertained of him.

But, whether the experiment, in making a monkey a prothonotary, or clerk of the court, was baffled by the utter incapacity of the animal himself, or by the intrigue of the profession, and the court frowning on it, the practicability of making more out of the brute creation, than had ever yet been done, was not wholly given up. It was determined to make an experiment of what might be done, in bringing forward some of them into the profession itself; and with a view to this, choice was made of the more noisy of the dumb creature, a dog. For though this beast comes under the denomination of dumb, yet it is no uncommon thing to compare a lawyer to him, or him to a lawyer; and though we say a dumb dog, yet I have heard a lawyer called an impudent dog; and there are many who are said to bark, rather than to argue a cause like a rational creature.

The *leaning* of the court was much against the admitting a hound to the bar. But the people out of doors and those of the *circumstandibus amici curiæ*,* or by-standers, would insist upon it. The court said, they would not be understood to entertain a doubt of the capacity, in such advocates, at least so far as respected the making *motions*; but they were apprehensive of disorderly behaviour; not so much as to *side bar* conversation, and sitting on their hinder parts and looking up to bark, as to their movements to and fro, and leaping upon the bench: in which case it would not be much less difficult to keep them to their places, than it had been in the case of the monkey, whom they had all seen could not be kept to order. As to the keeping to the point in their discourses, of that there was not so much matter; for it was not always easy to see what was the point that was made, and to which it became necessary to stick. Was there no danger that, instead of confining themselves to a wrangle, they would actually wage war, and interchange bites in the course of their altercation? Wager of battle did not exist as a mode of trial; and therefore fighting like dogs was not known in judicial preceedings, though the quarrels of counsel did sometimes approach a little towards it.

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* It is curious to observe how primitive customs are retained, as in this privilege of the by-standers to address the court. But it may be said that this privilege is confined to members of the bar! I rather think it is not.

On all these considerations, the court would have been willing to have confined the construction of the constitution, that "a man shall be heard by himself and his counsel," to the being heard by himself, or some animal of his own species. Nor was there any great reason to believe, that, though in many instances we see the more incompetent of a bar at the head of the business; yet, in general, people will find out those who can serve them best; and it was not probable that, if the real, natural, and actual tykes were admitted to plead, any one would be so weak as to employ them in a cause; it is true, they had known many an ignorant, impudent puppy at the bar; and some good natured of the dog tribe, so called by way of figure and resemblance, even make fortunes. But this was by way of figure; and they had never yet known one so perfect a beast, as to want the shape of a man, to make his way, or even to attempt practice. And if no suitor did employ such a one, when admitted, where would be his business; unless in the case of a pauper unable to defend himself, where the court might appoint counsel; which would not be decorous in them to do, even in the case of a misdemeanor, unless they had greater reason to expect something like a defence for the unfortunate accused, than from such inexperienced persons. It is true, that such appointment by the court, as in the case of a horse-thief that every body believed guilty, even before he was tried, might pass without censure; but if an honest pauper was convicted, being falsely accused, and this owing to the blunder of an advocate appointed by the court, the reflection would fall upon them; for these reasons they would be shy in taking such nomination upon them; and would be disposed to leave the dog, whether what is called a feiste, or a mastiff, to his own exertions to get himself employed as he could; and if it came to them to assign counsel at any time, they would select, if the younger, yet at least some of the bar more likely to do justice.

It was to no purpose that these matters were urged. For however weighty the reasons, they were of no avail against the current of public opinion; whether it was that there was some as there was reason to suspect, who wished the lawyers burlesqued, and the profession made a subject of ridicule, or that the greater part were really credulous, which is more probable, to the representation of philosopher.

Hence it was that, on the day appointed for the experiment, a great number attending, and some of the most respectable of the community; two of the canine species were brought in, and placed opposite each other, as adversaries in a cause. They were said to be dogs of a good bark, and had been pitted against each other several times before the bringing them to court. One was the dog of a butcher, remarkably fierce; the other a mastiff, belonging to a gardner, and kept to save his fruit from nightly depredation. There could be no doubt, but that they would take different sides of the question, and snarl, and grin, and growl abundantly; the only difficulty would be, the keeping them apart until the testimony in a cause had been introduced, and they were directed by the court to proceed.

This difficulty, as was foreseen, did actually occur; for no sooner were the beagles uncoupled, than they actually flew at each other, and had one another by the throat. It was in vain that the judge called out order, gentlemen, order; I shall be under the necessity of committing you for this irregularity of proceeding; your behaviour is unbecoming your profession. The dogs continued their contest, till one knocked under and howled most pitiously. The humanity of the spectators, some of whom were suitors, and some not, at length interposed, and wished them to be separated, but not an individual of the bar gave themselves the least concern on the occasion; but, on the contrary, seemed diverted with it as a farce, and laughed immoderately; which gave great offence to the people, and much reason to suspect, as in the case of the monkey, there had not been fair play in the experiment. Who could tell what spurs, or sharp weapons, there might have been under the table to prick and goad these simple and unsuspecting creatures, to battle? If Jowler, and Cæsar, had actually succeeded in maintaining a standing at the bar, it might materially have affected the employing human bull-dogs, to manage a controversy. And could it be supposed that, having this interest at stake, the profession would have made no exertion, secret or otherwise, to counteract the introduction of quadrupeds? Upon these grounds the persuasion of the capacity of beasts to advocate the most difficult question of law or fact, was strengthened, rather than reduced, by the experiment made; or if some did querry whether all at once, they might be competent to give the best advice, as chamber counsel, in a matter of difficulty respecting the legal tenure of estates; yet no one hesitated to pronounce his conviction that they were capable of being good advocates in a criminal cause of assault and battery, at least; or where noise and racket went a great way to constitute a good pleader.*

The public opinion out of doors, was formed a good deal upon the noise they had heard. It was thought to resemble that of lawyers in their sparring. If some surmise did get out, that in nothing but yelping did they resemble, it was attributed to their not being of the genuine breed, fit for bar; that experiment ought to be made from the Norwegian lap dog, the little Indian dog of the South sea, until they came to one that had the right genuine snarl. But all idea of incapacity was hooted at by others, who had taken up a more favorable impression, having been in the way of hearing that one of them made a speech of an hour in length; and that, had he not been stopped by the court, he would have spoken two hours.

What did he say? said a man somewhat incredulous.

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* It may be said that the caricature in the forgoing is carried to the extent of extravagance. The author was the enemy of despotism whether of the one, or the many. Where caprice, folly, and wantonness of power, may be seen in both, and in the latter leading to the despotism of the one, in preference to the tyranny of the many.

I never can tell very well, said the other, what the lawyers say.

It is all some sort of jargon to me, consisting of law terms; but this I know, if I had a cause to try, I would leave it as soon to the dog that I heard bark, as to some lawyers that I have seen plead at a bar.

Owing to these averments, and promulgation of rumours all tending to make dog pleading popular, it was not longer than the next week, that there were several people who had come into town, enquiring where the dog lawyers had their offices. The real lawyers were so enraged that they knocked the dogs on the head, though of the profession; but clandestinely; for they were not without apprehensions of the resentment of the suitors, if the dogacide should come to light. The law might take hold of them also, if they could be considered as coming under the description of reasonable creatures, in the peace of the commonwealth.

But there was no need of precaution and secrecy; for the whole circumstance relating to the dogs, and their appearance in court, or the manner in which they acquitted themselves in the trial of a cause, was lost and forgotten in the introduction of a wolf and fox the third day of the court; the wolf muzzled, having been taken in a trap. But to avoid all insinuation, or popular obloquy, of not giving them, a fair chance, by admonishing them before they began, of the duty of counsel, the rules of the court were read to them, and it was stated what abuses in the conduct of attornies, had been observed, and which it behooved them to avoid; such as stretching their heels, puffing their breath, turning and twisting in their seats, or sitting on the counsel table, and talking to the bench; holding side-bar conversations, and looking and yelping to the juries, or grinning when they thought they had said a thing smart. Growling and grumbling when the point was given against them, they ought not to take it for granted, that they were the only persons who had a knowledge of a law cause, or the application, was not infallible.

"Gentlemen, said the chief justice, you are entering on a profession that, independent of legal knowledge, for of, that, we take it for granted, you have a competent share requires in a practitioner the utmost delicacy of behaviour, both to the bar and to the bench, as the surest means of your success. For it is a mistake to suppose, that impudence is the principal qualification here. It may go some length in the opinion of bystanders, to give them the impression of boldness; but if it goes no length with the court. It is, on the contrary, a great draw-back. Diligent preparation in your offices, and modest demeanor at the bar, is the most likely way to secure confidence, and to conciliate attention, and to have what is called the ear of the court. For when a person merely barks the the moment he begins, nothing else being expected, the judge lets his mind go to pasture, if I may be allowed a figure, that is, indulges himself in absence of mind, until the harangue wears near a close. There is what is called having the ear of the court: for should you howl ever so loud, or bark, unless there is a previous respect founded in the expectation of what you are about to say, there will be little attention in reality, whatever there may seem to be."

Opinion had been expressed in the mean time, on the talents of the respective advocates, according as one had argued favorably, or the reverse of one or the other. It was expected the fox would show the most address in the management of a cause; but that the wolf would be most likely to carry his point by browbeating his adversary, and the court.

"Gentleman, said the court, fox and wolf, or wolf and fox, whichever of you it is that begins first, and that will depend upon your being for the plaintiff or defendant—you will please to proceed."

The wolf being unmuzzled, and the fox let slip, the one ran under the bench, and the other leaped out at the window, the dogs after him, which gave occasion to leave this matter of professional capacity still undetermined; the pursuit of the dogs giving occasion to the old surmise of the lawyers having set them upon them to get rid of a formidable rival. In the hurry scurry, there was little said about the fox, and he was supposed to have made his escape.

The reprimand that the chief justice gave to the squirrels and the pigs for their behaviour in court, was perhaps the most pointed of that given to any of the beasts; to the squirrels for *cracking nuts,* and chirping like cockroaches, while the charge was delivering, and conversing in corners with each other. To the pigs, for munching apples; because it was not only a trespass against decorum, but an interruption to the argument of counsel, which could not be so well heard. Mouthing on the stage is spoken of as far from being agreeable. But such mouthing produces but a slight tumfaction of the oral orifice, and gives a rounding to the voice,

"Ore rotundo.

But the mouthing the pipin, or the peach, distends the jaws occasionally to an immeasurable width; and if one half the hemisphere is attempted to be embraced like a snake swallowing a toad, the eyes have an appearance of starting from their sockets, which communicates pain to the beholder because it impresses the idea that the actor is in pain.

CHAPTER XXXI.

The subject of the right of suffrage resumed.

I FIND my thoughts again, as it were instinctively reverting to the subject of the right to vote, or the right of suffrage, as it is called, for I regard it, no matter how it be named, as the foundation of all our free institutions. It is true we must yield to the power of the majority, but let this be fairly expressed, and let the minority, and every single citizen and his wishes, as far as practicable, be respected. We must not forget that the principle of majority, is the principle of power, in the one or the many, may be abused. King NUMBERS is almost as apt to forget, that all things which the King may do, are not lawful, as King ONE, to believe that he can do no wrong.

A vote in proportion to the stake might seem at first reasonable. But what is the stake? Is it the soil that one holds? This differs in quality and value. Must we not value the improvements? The labor put on it may be worth more than the soil.

The *adscripti glebis*, or attachment to the soil, may give some security against external enemies; but what security for internal peace, and equal liberty? On the contrary, he that has much will covet more, and wealth accumulating by descent or marriage, until an aristocracy is established; and this aristocracy leads to monarchy and tyranny, as well as anarchy and licentiousness. Put it on the footing of desert —does the accumulation of riches imply virtuous action? Must he be considered to be possessed of a *great soul* who has been fortunate? Is it not oftener evidence of a *low mind* to have acquired riches? I say oftener, because I admit that it is not a general rule; for the honestly diligent and industrious, as well as the usurer, and miser, may become rich. Has the dictum of philosophers passed for truth, *that there is nothing great to despise which is great;* and shall mere wealth in a commonwealth be accounted great, and entitling to honor and privilege? But the presumption is, that a man who is thrifty in his own affairs will not be likely to adopt wise measures in the affairs of the republic. I will admit that a presumption lies against him who has no property, that he might have had it, if he had been industrious or prudent. Yet the moralist truly says, that "riches are not to men of understanding." That is—not always so. I lay it down in general, that a moderate degree of wealth is "*to men of understanding.*" But there are exceptions that defy chance and time. A *special providence*, or chance, if you would choose to have it so, has something to do in the affairs of men. "He that is born to the plack, will never win the babee," is a proverb in the old Saxon language. But I hold that in general, the fact is that "the hand of the diligent maketh rich," and a man that is faithful in his own affairs, affords a reasonable presumption, that he will be faithful in the affairs of the public. But selfishness, and the disregard of the public, are symptoms of a groveling mind. And there are heroic souls, that seem born not for themselves, but for the country; and there is a Latin maxim, "*non nobis metipsis, nascimur;*" we are not born for ourselves alone.

There was a poor man, and yet that "poor man saved the city." The true principle is to give weight and importance to the individual, instead of being regarded as a particle in the concrete mass, he is indirectly absorbed and annihilated by it. The first is the work of democracy, where every citizen is a sovereign. In a monarchy the individual is cheap, with a few exceptions. Democracy rates him at a higher, and distinct value. You cannot exclude the unestated man without, at the same time, excluding the wise and the virtuous that are without estates. There can be no good enjoyed without an alloy of evil. Liberty of the tongue, liberty of the press, or any other species of liberty and equality, will have its drawbacks. It is doubtless a great evil that Tag-rag and Bob tail, and who are so by their own indolence or profligacy, should come to the polls with an equal voice in the construction of the government, with those who have a greater stake in matters of *property;* but it cannot be avoided without losing the principle that *money is not virtue.* If you carry it out that property must be represented according to property, the voter must have votes in proportion as he is wealthy; and wealth in soil only cannot be regarded. The establishment of manufactures, the encouragement of commerce, would oppose this. If he that is without property of any kind can have no vote, he that has much must have many; and this brings it to an inequality of votes, will which require continual census to regulate the number. If paying tax is a criterion, he that pays more tax ought to have more votes. I see nothing simple and like truth in the matter, and approaching the practicable, but that the poll should poll and every one that brings a snout of full age to the election ground, should have a vote. Indigence is in its nature, dependent, and will rally round those of standing in society, from their degree of independence; and the votes being thus amalgamated, will balance parties in a commonwealth.

A government of liberty* is the most delicate of all structures, and there is no preserving it, if the love of money is encouraged, and made the chief evidence of patriotism. If a difference in suffrage could be made, I would make it in favor of those who have invented *useful* arts, and made discoveries in mechanics; or who have, in fact, in some way *benefited* society. There would seem nothing unreasonable in indulging him with privileges who had brought up a large family of children; or introduced a new breed of cattle; or grown a better sort of grass. But a usurer, grinding the face of the poor, or one enjoying rents from the lands that his ancestor has left him, cannot be said to deserve well of his country, for these cuts or accidents. The New England man that comes with his machine, for which he has obtained a patent, is of peculiar respectability compared with such. I say New England, because that part of the United States States has been most fruitful in inventions, from Phipps, of Massachusetts, who invented the diving bell, down to the present time. Whether it is that poverty has produced the necessity of recurring to their wits, having a greater stock of population, and the means of livelihood being less within their reach—*Ingenii largitor venter*—or whether it is in the soil, or the air, and water of the climate; for natural, as well as moral causes may produce this difference in the capacities of men.

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* The abolishing entails, and the equal distribution of estates, among all the heirs in equal degree, has the effect of a gradual agrarian law, and prevents the accumulation of estates in families. They can seldom bepreserved beyond the second or third generation

I can see no reason in giving a field a vote, much less a piece of wood land; nor one to the owner of beasts in proportion to his stock; unless those beasts could speak and give a *viva voce* vote. But to return; it seems to me that the ancients, and some of the moderns, have carried the fiction beyond all probability, that of beasts speaking; because a dialogue of this kind exists but in books of fables. It is much more within bounds, to put at least for one of the speakers, a person that can speak. This we have done, and have not put a syllable into the mouth of any of the beasts. It is the man that we make speak; the beast only listens. Yet it is ten to one but some will call out against the going even so far, as to represent beasts listening; because it is to music, only, that they have heretofore been made to listen, which is not so extravagant as beasts speaking, and men listening. The instances of beasts actually speaking are so few; in fact there it not a single instance within my knowledge; so that I thought it the more prudent part, in order to avoid the having the truth of my history called in question, to confine them to listening altogether. What these beasts would have said, had they spoken, every one may imagine for himself. In this case, there is less danger of giving offence, every one having it in his power, to mould his sentiments, *a son gre,* or according to his own mind.

But had I been so inclined, how could I have made them speak? For just as they were going to open a mouth, or at least as the occasion had arrived when it would have been proper to have done it, the dogs were set upon them, or the dogs did set upon them. For this would appear to be the safer expression, as the bar assert that they as a profession, whatever some individuals might have done, had nothing to do with it.

It has been stated that the proper articulately speaking beasts have not been selected upon. It is sufficient answer to this, that we had not the choosing them; or, if we had, can it be said that all beasts are not equally made to speak;

that is, are represented equally capable of speaking, in the history of Reynard the Fox? Among the Jews, the ass seems to have been the principal speaker; and though an ass at the bar, or on the bench, either, would be no new thing; yet vulgar opinion is against it; and if an ass had been introduced, the force of prejudice is such, that any disappointment that might have occurred, would have been attributed to the choice made. Amongst the Romans, the feathered creation seem to have been the most loquacious, as they are to this day, in their own way.

"Annosa ab ilice cornix."

But a prejudice also exists in modern times against fowls articulating: they are said to *chatter*, as, for instance, the magpie.

Orinithologists are not so attentive as they ought to be in the language of birds. The plumage seems to be most their object in delineation; and it must be acknowledged, that it is in the article of fine feathers, like some fine ladies that I have known, that they are most distinguished; red, green, blue, vermilion, and all other colors of the rain-bow. It is in this point of view that I take the liberty of recommending the Ornithology of Wilson, lately published in Philadelphia, with fine drawings of our American birds: and which every man that can afford it, ought to encourage by his subscription. Not that he makes them say any thing, human; but he gives a clear and full note of their notes under the figure of each bird; this, though perhaps not so useful, is at least as amusing, as a dissertation showing to which of the articulations of the human species, they approach nearest in their respective sounds: Arabic, Samaritan, Shawnese, or Creek. The language of beasts and birds has been much studied by the Orientalists: but none of them have given us a vocabulary, much less a dictionary, of any of those multitudinous dialects which exist amongst them. And yet in their tales of the genii, and other compilations, we have abundance of the conversation of the inhabitants of the air; which proves that the people of the east must be a good deal in the habit hearing birds converse. The story of Mahomet's pigeons, I take to be fiction of the monkish writers; but we have it in the scripture, if it is not in a figure, and a strong way of expressing what is meant, "Curse not the thing; no, not in thy thought, and curse not the rich in thy bed-chambers for a *bird* of the air shall carry the voice; and that which hath *wings*, shall tell the matter." Hence the language of mothers to their children when they mean to say that they have got the information from a source which they do not mean to explain, "a little bird told me of it."

It will be said that in all this ribaldry of beasts and birds speaking, I have it in view to burlesque lawyers; not at all. I have no such vulgar prejudice against lawyers, as some people have; there are good and bad of them as of other professions. And this I will say, that of all professions, it cannot be but that the study and practice of the law, leads most to discern the value of honesty, for the study consists in tracing the rules of justice, and the practice in the application of them. It is the man that is no lawyer, but calls himself so, that is the knave. The nature of the law is liberal; and gives understanding; and wherever there is sound sense, there will be honesty. But I have such a contempt of chattering in speech, and bluster and bullying in manners; and of quibbling, and catching in practice where it occurs, that I feel no compunction in designating it under the masque of irrational noises, or quadrupedal affections.

CHAPTER XXXII.

Conversation between the Governor and the visionary Philosopher. The manufacture of public opinion.

When I speak of the visionary philosopher, I do not mean him that had

> "Read Alexander Ross over;"

but one who had seen the great Stewart,* who delivered lectures in this country, on the perfectibility of man, and this student, or disciple had been disposed to carry the matter farther, and discuss the perfectibility of beasts.

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* Who the *great* Stewart was we are unable to say—but presume that allusion is made to some itinerant lecturer—some plausible imposter of the day—we have them at the present time, who surpass in folly and extravagance, all that have gone before. "Vote yourself a farm," is the cry of the aggrarian. "Equal rights and equal property," is the cry of the radical. It is proposed that land, after the life time of the holder, shall return to the State, to be distributed "to the most worthy." The Irish tenure of *tanistry*, "the most worthy," was the greatest ruffian. It would be difficult to equal the absurdity of the following passage of an address by a person by the name of S. C. Bishop, one of these reformers, "I would return the land to its original destination, that is to say what it was and ought to be, the common property of all God's People, the rents belonging to the nation, and every man having as good a right to rent a part from the State, as any other man." How does it appear that the land originally belonged to the State? And if it belongs to the State, how can it be the common property of all God's people, as the air is the common property of fowls, or the sea of the fish? And why pay rent for it to the State? And what is the State? Or if all have an equal right to rent any part, who is to decide when there happens to be a competition of several for the same part? Others even maintain that property is robbery—that it must have been *stolen* from somebody. Such are the endless absurdities of the vain creatures, who, like the visionary philosopher, think that every thing is wrong in the moral and natural world; that they are wiser than the Deity, and wiser than all former generations of men, that if everything could only be pulled down, and let them build up, perfection would necessarily follow. It is impossible to reason with these conceited fools—they can only be reached by ridicule.

It is impracticable, said the Governor. Instinct has but narrow limits; and it is not improvable, as is human reason. However sagacious a fox may be, in eluding hounds and catching poultry, the distinction is immense in the nature of the intellect. I hope you would not think of extending the right of suffrage to these. There is no incorporating wild-cats and jack-daws in the community. We have enough to do with men that have the shape of Christians, let alone opossums and jack-alls, and bears of the forest that have no reflection; or if they could reflect, would their keepers permit such intercourse with peaceable inhabitants, as to render the interchange of civilities safe and convenient? In point of capacity, they would be deficient, and unqualified even for the ministerial offices of government. But as to those duties or professions which require some discrimination of meum and tuum, they must ever remain totally incompetent.

What, said the philosopher, persisting in his theory, have you not heard it said, that judge this, or judge that, is an ass, that another is an old horse, and of even a juris-consult, or barrister, for instance, that he is a panther or a bear, especially when he is hard upon a witness in his cross-examination? Might it not be practicable to bring a brute or beast to be even capable of filling an office of trust or honour?

I grant that a judge, figuratively, said the governor, may be a horse or a buffalo, or an ass; or that a counselor may somewhat resemble the ferocity of a tiger at the bar. But that these animals, stript of all figure, and colouring of speech, should in reality, and in *propria persona,* be put upon the bench, or licensed to plead, would be more than I am prepared to think advisable.

You are not aware of the hypothesis of Darwin, said the philosopher, that a man may have been originally a cray-fish, or a flying squirrel; or of Monbeddo, who thought men originally had tails.

I am not, said the Governor. And though I do hot know that the Lord spoke all things to Moses that he is said to have spoken; for there may have been some mistakes in the translation from the Hebrew, as in other versions; yet there seems to me more probability in the cosmogony of the Hebrew writer, than in the reveries of Darwin in his Temple of Nature, or his Zoonomia. And even suppose the brutal to be capable of amelioration from one nature to another, until it reaches the human, it would seem to me, that its rights should keep pace only with the improvement of its forms; and that we should wait until the elephant comes to sit upon his own end, and cease to go upon all fours, before we think of introducing even the noblest of animals, in point of intellect, into a participation of civil institutions. The swinish multitude are spoken of as having a right to vote; but that also is figurative, and it is not meant that a pig can be actually admitted at the hustings to give in a ticket: much less than a wolf, just taken up in a trap, should be made a justice of the peace, or an alderman.

What, said the philosopher, has there not been a time when beasts spoke?

"Pecudesque *locutæ*,"——
"Annosa ab illice cornix,"

added the Latin schoolmaster, who had just joined the conversation.

It is fabalous, said the Governor, I have seen what is called the history of Reynard the Fox; and what beasts were when under the monarchy, where the lion was king; and I think a good book might be written, called the *Republic of Beasts*, portraying the cabals of men, and their contentions in a free government. But to constitute a republic, in reality, of the four-footed creation, would be carrying matters a step farther than has ever yet been attempted. In that case I acknowledge we would have no occasion for the common law; nor tribunals or forms of administering justice; jury trial might be abolished; for scratching and scrambling would be the way of every one.

Blackstone has a chapter, said the blind lawyer, "on the redress of private wrong, by the mere act of parties."

That would make shorter work than even an arbitration, said a bystander.

But, said the Governor, to speak seriously, though it may cause a wise man indignation to see incapacity in office, which will always be the case in any government, and perhaps not more in a republic than any other; nay, I incline to think less so, which it behooves me to say, who am honoured with one, under that kind of constitution, yet I am opposed to the extreme of universal suffrage, to all the "denizens of the forest," as some are pleased to style them, and which phrase may have misled the philosopher to think them capable of being denizens amongst men. But if you think the experiment worth making, let a number be collected, and go into the measure with caution and deliberation. You will see what a conflict will take place, and what a warring there will soon be——

——"Mugitusque boum,
Exaudire leones,"——

exclaimed the Latin schoolmaster.

Plase your honours, said Teague O'Regan, who was listening, a shape will be de safest baste to halter first, and try in de plough o' de commonwealth. If de pretty baste can say ba, in the congress o' de nation, dey cannot say dat it is de ass dat spake.

There may be a prettier, but there cannot be a greater beast than yourself, Teague O'Regan, said some one in the crowd; and yet we have heard of your getting an office; what is more, we see you in one, not just on the bench, as in a neighbouring state, but in an office, though executive.

It is, said one, our new Governor, who opposes the innovation of giving horned cattle a vote, who proposed you for congress, and would have had no objection to have seen you President of the Union.

That is not the fact, said the Governor; I did object to it, but I was overruled, and induced to let the experiment be made; but I never did approve of such an extraordinary advancement; though were I to be guided by what I see here, I might not think the presumption so preposterous. How much better are many of you that are in office, than Teague O'Regan?

The visionary philosopher having taken wind, went on. Why need Cyrano de Berjerac have gone to the moon, said he, to see monkeys and baboons in the capacities of waiting men, if we had been supplied with domestics of that description here? And why limit our experiments to what may be made of men? The perfectibility of human nature, no one can doubt, who has heard the lectures of Stewart, the pedestrian, who was in this country some years ago. And why not the perfectibility of animals that are not human? I have heard a man called a calf, a sheep, a hog, a goose, and why not, one day, hear these called man? And to accomplish this, I would admit them to the elective franchise; at least all above a certain age, and who have come to the years of discretion.

Years of discretion! said the Governor. Did you ever hear of a beast coming to the years of discretion? Did you ever hear of a beast having common sense? Instinct is not common sense; for common sense is that degree of understanding, that portion of intellect, which is generally distributed to the human species. Where the capacity is any way distinguished, we call it talent; but where that portion of judgment, which enables us to judge with reasonable correctness, on common subjects, is given, we call it common sense. A man may be a scholar, a lawyer, a judge; that is, may have the reputation of a scholar, and may have the commission of a judge, and yet want common sense; by which I mean sense in common things. For knowledge of abstract rules may go some length to make a man of science; but common sense is judgment in the application of rules. It is the comparing things; and hence it is that I do not think this philosopher, though he may surpass the magii of Babylon in a knowledge of the stars, can have common sense, in urging this matter upon a young people, just beginning a new government. What would you do with a horse upon a bench; to eat hay, and dung on it; a monkey a prothonotary, to crack nuts, and be restless; an ass to quote British precedents, and to say, my lord has said this, and my lord has said that; if indeed he could say anything, and not rather bray what he had to say? We have dunces enough of our breed to be doing with a while yet. Why enlarge the sphere of stupidity? A pretty bar we would have of it in point of order, if elks and panthers were admitted to conduct a cause; motions for new trials in abundance. The pertinacity of the unicorn would be unsufferable.

What! said Will Watlin, the constable; have we not heard a bar called a bear-garden; interrupting one another, troublesome to the court? I should like to see a cat and a racoon wrangle as some of these have done. The mild and the modest man has no chance. All is carried by a *coup de main*, which some interpret a stroke of the fist. If I am not permitted to take up my staff and apply it to knock them, as I should be warranted in doing in case of a wild boar, or a rhinoceros, I should take them across the noddle, as I would have done many a lawyer, if the rules of court permitted it.

I am for enlarging the sphere of jurisprudence, said Harum Scarum; and the province of admission to bench or bar. Is any man afraid of the rivalship of turkey-buzzards? What can check the hospitality of letting all into the pale of our union? We shall have more to contend against the savages.

Pro aris et focis, said the Latin schoolmaster.

We shall have more to contend against the savages, continued Harum Scarum; for increase numbers in a government, and in that proportion you render them active in support of their privileges. Men that ought to think, can learn to stand upon their heads, and to run upon all fours; or make spokes of their legs and arms, and turn round like cart-wheels; and why not beasts of the wood learn to think? I dislike the having all things in a common course. Nature herself has given us the variety of seasons, and revolutions of the sun and moon, and heavenly bodies, and why not in the affairs of men; and especially in their social institutions, as to representation or exclusion?

In the mean time, the convention thus casually begun, had by degrees attracted a crowd of persons, so that an assemblage was formed, although not a regularly organized meeting. Some young persons, by climbing up into trees to hear the debate, or to see what was going on, were seen by the spectators, and mistaken for racoons and squirrels that were turned into men already, by the bare proposition of advancing them to naturalization; and though this error was corrected in a short time by one of them who had fallen, by the breaking of a limb of a tree, yet it but struck the notion deeper into the heads of the vulgar, of having accession from the quadrupeds at the next census of free inhabitants; and a man with a strong voice in particular called out that it should be so. A bull happening to roar, and a horse to neigh at the same time, it was called out that it was the voice of the people.

In the multitude of a town meeting, or even in a whole community, it requires but a few persons, stationed at convenient distances, and dispersed in due proportion, to raise a voice, and to call out in favor of a proposition, to give it currency and acceptability. Every one fearing to be in the minority, will seize the opportunity of coming round to the majority, *and thus public opinion is manufactured.** It is "the height of ability to distinguish the times," says the

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* Sometimes public opinion is manufactured at *headquarters,* and then transmitted to the popular leaders, to be sanctioned or promulgated according to the above process.

Duke de Rochefaucault; and I know no proof of discernment in a republic greater than to see which way the current is like to set, and to sail with it; or rather, if you can influence at all, to seize occasion by the forelock, and by disposing a few frogs in a pond to croak, make it be supposed that the public opinion is in the direction you choose to have it. Shall a man value himself on predicting the weather, and not the changes of political events? At least, this is *the principle upon which the greater part of politicians act.*

The governor, finding that he was like to be on the unpopular side of the question, was willing to ease away, and come under the lee of the Chief Justice, who, though but a blind man, could see farther into the nature of the occasion than his excellency. Th opinion of this officer was to let the thing take its course, and in a short time the public would be convinced how impracticable it was to extend liberty, where nature meant that it should have limits. He thought it better to address himself to their feelings in point of interest, than to call in question the practicability of the project. Direct opposition would only confirm them in their folly, and which would last as long as that opposition was applied, but soon thrown away when left to themselves, as children part with their toys or break them.

Philosopher, said he, there is no doubt but there is truth in what you say; and your proposition might be carried into effect with suitable restrictions. But if we should admit the beasts to the rights of citizenship, we should have to set them free as we have the negroes. The very right of suffrage would be a manumission; and it would be unreasonable to extend the privilege to such as are *feræ naturæ,* and exclude tame beasts. Now, if cattle or oxen, or horses become entitled to equal privileges, we could not treat them as beasts of burden, or use them for the draught; much less could we knock down a pig or shoot a deer, or take the skin off a bear; nor even ride a horse, but on condition of taking turns, and letting him sometimes ride us. Who of you would be hitched in a sledge, or stand at the tongue of a wagon for a whole night, champing cut straw and rye meal, or bear the whip of the carter in the day-time? Who would be ringed and yoked like a pig, to keep from getting through a fence?

These observations, however ridiculous, had more effect in quelling the commotion, than any direct reasoning; because whatever crosses the thought and gives a different direction to the imagination, has been known to be most effectual in relieving a *visania*, or derangement of the mind.

CHAPTER XXXIII.

Of matters in general. Of capital punishment. The author declares that if condemned to death, his choice would be to be shot by a lady dressed in white muslin.

The mind of man is active, or rather, it is restless, and the great secret of managing it, is to find employment for it. *L'ennui*, for which we have no correspondent English word, is the feeling of a vacant mind. We had a phrase in the old Saxon, and which still exists in that dialect of it called broad Scotch, which fits it exactly; it is to *think lang*.

O woe, quo he, were I as free
As when I first saw this country,
How blithe and merry would I be,
And I would never *think lang*.

The mind inactive loses its spring; and it ought to be the study of all who are concerned in the early education of youth, to devise employment for them; and in communities, to find means of occupying the grown persons. 'This to keep the man from pursuits that are injurious to himself or to others. Where an army is not to be raised, and soldiers enlisted, the making turnpike roads, and digging canals, is an excellent substitute for this draught of the superfluity of population, and a proportion of society who have not the foresight, or perseverance to devise employment for themselves. I have known persons excellent laborers, under the direction of others, but most wretched managers, and even bad workers, when left to their own judgment, or rather, want of judgment. Their hands and legs were good, but their heads indifferent. What folly to talk of absolute equality in practice, when such vast disparity exists in real life? Equality of rights is all that can be acknowledged; but this will not place men on equality, where nature has formed them unequal, or when the freaks of fortune favor some and neglect others. Do what we will, some will lead, or overtop the rest, or outgrow them like trees in the forest. There is no equality in nature. Hence it is that they are mustered in elections by the ambitious, for their own private ends, and these are they who are made use of to call out for a change of the constitution. Not that all who make use of them for this purpose, mean more than to advance themselves by the aid of the confusion which they excite. For when men are out of power, they wish the drawing of the lottery to begin again, and the prizes drawn to go for nothing. The blanks that are drawn do not give satisfaction—Not but that the common people are of themselves sufficiently disposed to novelty. A desire of a change is the characteristic of the multitude, at all times. And even if a man has no prospect of ameliorating his condition, it helps a little that it is not always the same. Though the next plank is as hard as that on which a man lies, it is pleasant to roll upon it. It is a great misfortune, when a restless spirit has a faculty of haranguing; and still more so, if he has ideas, and can get himself placed at the head of a paper. He is restrained by feelings of delicacy only in proportion as he wants terms to express himself. If one of these should happen to be of the kingdom emphatically so called, because it has been but nominally a kingdom for some ages, he brings the same licence into his paper, that he showed at the fairs of Liffy or

Tipperary, with a shamrock in his hat and a shillelah in his hand. Yet there is in the history of that people in their own country, something greatly to be valued: their hospitality, and generosity. An Irishman has no mean vices. He is brave and open in his enmity; and sets the law at defiance, at the same time with the public opinion.

It is an old adage, an ounce of prevention is worth a pound of cure, or, as the mock doctor of Smollet has it, Bestum est curare distemptum ante habestum.

It is but a slovenly way of reforming a man to hang him. Some indeed have their doubts whether it is lawful to hang a man at all, or take away life in society. Certainly nothing can justify it, but the necessity of self-preservation. If a man has killed five hundred, and the remainder can be safe, the necessity of taking away the life of the murderer ceases; and it is unreasonable to put him to death. But where a man kills one, a presumption arises that he will kill two, and it is on the principle of prevention that he is suspended, or otherwise taken from society. The first murder is his; the second may be imputed to him whose business it was to prevent, and who are the chosen guardians of the lives of the people. Banishment is unquestionably the proper mulct to him who has forfeited the benefits of society. The culprit may come back, and repeat his blows; or he may commit mischief in the place to which he is sent, or to which he may come; or another society may refuse to receive him. But the Jewish lawgiver said, "Whosoever sheddeth man's blood, by man shall his blood be shed;" but if that is to be taken strictly, hanging is no shedding blood; and yet the murderer is hung, not beheaded.

The meaning of this is predictive; and as much as to say, that in the natural course of things, the taking the life of a man, leads to the loss of a man's own. But taking it even as injunctive, and as pointing out that punishment which retributary justice ought to inflict, it must be taken as applicable to the Jews in the wilderness, whose unsettled life did not admit of places of confinement sufficiently safe to secure offenders. While they were journeying from Kadesh Barnea to Cushanrishatharim, they must be at a loss what to do with the malefactor; and therefore it saved trouble to despatch him from the world. In a country where the sitting is permanent, to borrow a phrase from the French national assembly, and where strong buildings can be erected like the old or new jail of Philadelphia, what necessity can there be to put a man out of the world? He can be put to work, and to make some amends to the community for the life he has taken away, and the expense of bringing him to punishment. As for himself, is he not more punished by solitude, or labor, than by the infliction of death? Punishments, to be, just must never be vindictive; they may be retributive, but their legitimate object is the safety and peace of society; they must therefore be preventive, and they ought to be associated with the idea of the reform of the criminal himself. Considering the influences of associating one idea with another, by the human mind, the degree of the penalty should be so marked as to show the degree of the atrocity of the offence, in the estimation of the community. It should neither be above nor below the crime. There are many degrees on the scale, between murder and misdemeanor. It does not follow, that if left to a man's self, he would prefer confinement to death, that for this reason, the punishment is lighter. He has not resolution to consult future happiness, by the enduring present pain. But if it is left to a man to consider whether he would wish to have his enemy confined, or to undergo instant death, would he be willing that his adversary should escape vengeance by getting speedily out of the world? It might be a satisfaction to him that the murderer should be doomed to eternal punishment in the world to come; but he is not sure of this; for the divines tell us that by *faith* and repentance he may escape the penalties of the moral law; and when he has him in a work-house, he is certain that he must work. Besides, who can be of so diabolical a nature as to be reconciled even to a murderer being doomed to everlastgni torments; and why not allow him space and opportunity to repent, as much as the short life of man will allow, in a cell of confinement, with nothing but bread and water, until he gives signs of repentance? Be this as it may, from all the examination I have been able to give my own mind, I would think a man more punished who had murdered, to see him in a cell than on a gallows; what I would think if I had been murdered myself, supposing me still to have the feelings of humanity in another state, is a different question. I might wish to have my adversary with me there, in order to retaliate, and to have the gratification of retributary vengeance. Unquestionably it must be a feeling of this nature, and a putting one's self in the place of a murdered person, that can lead to an idea that it is but justice to the dead that the murderer should die. It is but an innovation in the common law of our ancestors, the Saxons, to put to death, when a compensation could be made to the public, and to the relations of the deceased, for the injury done, in taking away the life of an individual. It seems to be a dictate of nature; for the early ages of man, in all countries, sanctions this mode of atoning for injuries, not excepting murder itself. Where there was a community of goods, compensation could not be made in this way, and confinement and hard labor would be the only punishment.*

If, however, after all that can be said, life must go for life, I dislike the mode of taking it. The *sus. per col.* is an ugly minute on the docket. I do not know that they could have done better before the invention of gunpowder; for beheading is not much better, if not rather more shocking, from the mutilation of the body. I would prefer shooting; at least, if I were to die myself by order of the law, that would be my choice; and through the breast rather than the head; for I would not choose to have the human countenance disfigured. I saw once four deserters shot, sitting on their coffins, and their graves dug beside them, and yet with these terrific circumstances, I thought them killed mildly, in comparison of being put to death by the halter. The guillotine is too appalling on account of the apparatus. My mode of death, were it left to my choice, I mean death forced, would be to fall by a pistol shot by the hand of a mild compassionate female, dressed in white muslin, who would have fortitude to be unmoved; because, in that case, death would be presented with as little terror as the nature of the case would admit. "To paint death as we do, is an injustice," says the Duc de Ligne. "We should present it in the shape of a tall, venerable, mild snd serene matron, with traces of beauty left on her countenance, and her arms opened gracefully to receive us. This is the emblem of repose after a sad life, replete with anxieties and storms."

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* It is the mode of punishment among the Circassians. Among our Indians the law of retaliation prevails, unless it can be commuted for a compensation to the family of the deceased.

I will admit, that the sudden impression, the theatrical effect, so to speak, of a public execution, is calculated to strike the multitude; but it is passing, and as to the deterring from the commission of crimes, no punishment can have any great effect. We must begin with the mind and heart of the citizen; we must begin with the child; and then there must be a police sufficiently extensive with the adult, *without interfering with liberty*. Prevention should be the great point; but this is the great problem yet unsolved. How does the farmer save his crop? By seeing that his cattle contract no bad habits—by stabling them and keeping good fences. There is no doubt the time when a more vigilant, if not more energetic police, will be required.* All depends upon the ways and means of preventing; caution *a priore* is the most effectual. I have weighed a good deal in my mind, the speeches of Julius Cæsar and Cato, in the Roman Senate, on the sentence to be passed on the conspirators, the associates of Cataline. That of Cato prevailed, which was for putting them to death ; and with good reason, on that ocaasion, which was in the midst of an insurrection, and when a confidence in the power of government was to be expressed, and the audacious intimidated, showing them what those who had the administration dared to do, against those who had so many of the populace on their side; and because also, in these perturbed times, there was no sure keeping them; they might have got out of custody in a short time, and have gone to increase the numbers of the traitors. Self preservation, in this case necessity, dictated the putting out of life; yet it is remarkable with what delicacy the Roman consul expresses the event, walking down to the Forum after their execution: "Vixeunt," they have lived. The Greeks also, in their mode of expressing the last offices, speak of having accompanied the departed a little way on their journey. "Odou emarmenen," the appointed journey. What an impression must we have of the manners of those times, when torture preceded death, and death itself was accompanied with all the horror of circumstances? May not the time come, when the putting to death, at all, unless in extreme cases, such as those alluded to, will be felt as the proof of an uncivilized state of society; and a remnant of barbarity still retained by the prejudices of the vulgar?

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* With us, at present, capital punishment may be said to be limited to one single crime—murder in the *first degree.* The only reason for retaining this is, that a less punishment *may lessen the horror of the crime in the public mind.*

CHAPTER XXXIV.

Further of the visionary philosopher. Teague goes to his own hand, like Noctra Mullin's dog.

The visionary philosopher had not yet abandoned his project of civilizing the brute creation, and teaching them the arts and sciences. He had caught a young panther, and, with a chain about his neck, had put it to study law with a young man of that profession, who wishing to get forward in the business, thought it could do him no harm, though it might not do the panther much good to undertake the task. But there were those who bore testimony against this, being of opinion that lawyers were bad enough, even when made of the best materials.—This idea was supported by some sensible men, who could not conceive that this animal of the cat kind could ever be brought to be capable of explaining a matter to the jury, or stating a point of law to the court.

The visionary philosopher taking fire at this opposition to his discovery, invention, or improvoment, or what else it might be called, exclaimed abundantly. What is it, said he, whether he may be ever able to explain himself intelligibly at the bar? Cannot he grin, bite——— * *

It had come to the knowledge of the people, or, at least, was projected in the mean time, that after the proclamation for scalps, and the hunt which took place in consequence of it, the governor had been guilty of the most manifest partiality in screening the bog-trotter, who was as much liable as any person, no one having been more noisy in the beer-houses, and active at town meetings, to bring about a convention, than he had been, with the exception of Thady O'Conner, who had taken the benefit of the insolvent act; and a few others who had been refused tavern licences at the sessions. It was thought to be a ground of impeachment to connive at the secreting any one on such occasion.

The fact was, the governor was as innocent of the charge as any one among themselves, and so he declared to them; that for a considerable time past, he had ceased to have a control over the bog-trotter; that like Noctra Mullin's dog, he had been at his own hand these six weeks; that is, since he got in to be constable.

The affair was like to take a very serious turn, and the people would not be satisfied: when Angus M'Donald, the

Scotch gardener, having knocked down the panther that was studying law, and taken off a piece of hide, came forward with it, saying it was little matter what had been done with Teague on the occasion alluded to, since he had put the law in force against him just now, and scalped him himself, as they might see by the red hair, and the blood. There is nothing sooner softens a passion, or calms a mad multitude, than yielding to it. Hence the fury abated in a moment; and when it occurred to them that their remonstrance to the governor had been the occasion of the tragedy, they began to blame themselves as having been too precipitate in their representations.

The difficulty now occurred, what to do with the bog-trotter. For it would not be safe that he should remain in the government, and that it should be visible that the scalping had been but a substitution, and not the genuine exuviae of the man. Harum Scarum was of the opinion that it was best to knock him down in reality, and take his scalp to the people, laying the deception at the door of the Scotchman, as it really ought. The governor was opposed to that, as it was to save him from an impeachment that Angus, with great presence of mind, had bethought himself of the stratagem, to divert the fury of the populace.

But the visionary philosopher, in the mean time, enraged at the murder of his crony panther, and the lawyer with whom he was studying, dissatisfied, or seeming to be so, the circumstance was explained to the people. But they thought enough had been done for once, and that it was not necessary to pursue the matter farther. In fact, some of them were in the secret, and meant only pastime from the beginning.

However, thinking it might not be amiss to be out of the way for a while, the bog-trotter was sent over the hill to dig potatoes, at the farm of Niel M'Shaw, a neighboring farmer.

CHAPTER XXXV.

Democratic power unbalanced, is the despotism of the many instead of one. Impeachment.

Some may think that in my allusion to impeachment I may have in view what has happened in this state. It is probable, or rather certain, that it is this which has led me to think upon the subject, and to introduce it in a picture of democratic government, such as I am now describing. But if it is infered from thence, that I approve or condemn what has taken place in this State, it will be unfair; or at least a misconception. For I do not mean that any inferences, favorable or unfavorable, should be made from it. On the contrary, I am far from reprobating the *power of impeachment in the constitution,* or finding fault with a discreet use of it in *practice.* Impeachment is the most salutary principle of the constitution. But that must be real. There must be responsibility to some authority that can impeach. Mere responsibility to the public voice, is not what I mean; party may screen the guilty. The senate itself is too near the popular voice; I would join the judiciary with it, and one-third of the popular branch sufficient to bring to trial. I look upon it, as the means of avoiding tumults, and assassinations. When dissatisfaction with the conduct of public officers, is suffered to show itself, and to have a vent in this way, the public mind, having an opportunity of hearing grievances discussed, and getting to know the real demerit, good or bad of the functionary, is more likely to be satisfied, and it is safer for the object of the obloquy. Nor, on examination, will it be found, that in many cases, where there is a public dissatisfaction with an officer, there has not been some foundation laid; if not in the very particular that is made the subject of inquiry, yet in some other that has led to it. As for instance; even in the case of Scipio Africanus, where, perhaps, a just cause has been the least suspected to have existed of all instances of a great man impeached, that are to be found in history. Yet if any one will read Livy attentively, in his account of the way in which this young man came forward in public life, he may forsee the vexations he experienced after he had accomplished great things for the commonwealth. His error was a premature competition for office. Before the age allowed by law, he set up for the Edile-ship and carried it by the undue favor of the populace. ' *Si me, omnes Quirites edilem facere volunt, satis annorum habeo.*" How arrogant the expression; how insulting to the tribunes and Fabius Maximas, and others of the senate who opposed it! His offering himself for proconsulate in Spain before his 24th year "*quatuor et viginti annos ferme natus, professus se petere,*" was more excusable from the occasion.

But it was in some degree by an affectation of religion and arts of dissimulation, that he had prepared the public mind, to favor his premature pretentions. From the time that he had put on the *toga virilis* to this, he had been preparing the minds of the people. There was no day, before he did say any thing private or public, but that he went into the capital, and entering a temple, sat down, and for the most part alone, in secret, and spent there some time. This custom, which was preserved through his whole life, whether designedly, or that it so happened, procured credit to the opinion published by some, that he was a man of a divine stock, and brought up the story before common, of Alexander the Great, and equal to it in fable and variety, that he had been conceived of a huge dragon, which had been seen in the bed with his mother; and which tale he increased by the art of neither contradicting nor assenting.

On his return from Spain, after the expiration of his proconsulate, he was willing to have accepted a triumph, though at that day, there had been no instance of any one triumphing, for whatever successes, unless he had the command in chief; or, as the historian expressess it, *qui sine magistratu res gessisset.* It is true, it is said that "the hope of a triumph was rather tried than obstinately persisted in." But it shows a too great forwardness to catch at honors. But the inordinate nature of his ambition was too evident on his obtaining the consulship. 'He grasped at Africa for his province, though not according to his lot, "*nulla jam modica gloria contentus.*" And this he said openly, he would carry by the people, even if the senate set themselves against it. He made his words good, and the senate, with all the authority and reputation of Fabius Maximus, venerable from age and wisdom, and others aged likewise and experienced, were bullied by the tribunes and people into acquiescence.*

I cannot help considering his conduct in procuring the province of Africa for his brother Lucius, having Lælius for his colleague in the consulship, who equally was ambitious of that designation, as extremely indelicate in throwing his weight into the scale, in the deliberation of the senate between the two, by offering to serve under his brother as his lieutenant; if they would prefer his brother. By this means, and by his previous advice to his brother in submitting the matter to the senate, rather than to the chance of a lot, and thus having it in his mind to use the address of offering his services in a subordinate capacity, which was in fact, obtaining the command for himself, he fixed in the minds of the principal men much chagrin and dislike. And deservedly; for ambition is self-love; and when it is at the expense of others, it is odious. Every man in a community has what may be ranked among the imperfect rights in society, a right to have his age considered, in pretension to office; and not to be intruded upon by the coming generation before its time; much less to have power engrossed even by virtue itself, or the most distinguished ability. For the keeping the flame of public spirit burning, is the vital principle of republican government, to which there is nothing more smothering than inequality in the chance of obtaining offices, honors, and emoluments. And if the next generation come on too soon, the seniors are pressed out, and lose their chance. Nor is it only by the younger intruding that this equality is effected, but the usurping by those of any age, of what is not equal. And I call it usurpation, where any thing is obtained, what is more, where any thing is even taken, that reasonably ought to go to another, in consideration of standing, ability, or services. If these are obtained by popular favor, unduly coveted, what reason has the candidate to complain, or good men to regret, if the same caprice that has advanced, should, notwithstanding unimpeachable conduct, nevertheless impeach? We shall see that this was the case with Scipio.

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*In the two great Roman historians, Livy and Tacitus, we see depicted the faults of the republic, by the first, and the crime of despotism by the latter. Livy wrote near the time of Augustus, before the republic had entirely ceased to exist; he displays the follies of the people, in the internal dissentions of the commons and the patricians, but also presents the records of noble actions, in the virtuous and great deeds of the republic, and of individuals. What a contrast, with the horrors, long continued, of gloomy despotism under the Cæsars! Those books should be read for the contrast. If any one should grow weary of the republic, let him read Tacitus. Nothing surprises me more than the ideas of some modern extreme radicals, who propose to sink the dignity and importance of the individual, by melting him down into the aggregate of our association. This is the level, degrading slavery, produced by such a despotism as that of Rome under the emperors. What a contrast to the numerous instances of distinguished individuals under the republic. It is true, there was the constant struggle between the Patricians and Commons; but we are all patricians, or, if you please, all commons. Distinction is altogether personal; in the words of the poet;

> "Honor and shame from no condition rise."

He was impeached by the tribunes of the people on a charge of peculation, and converting the public money to his own use, in which there was no truth; but in the remainder of the charge there was truth; that he had pushed himself forward to foreign nations in a manner as if peace and war with the Roman people depended upon him alone: That he had gone out as a dictator to his brother rather than as a lieutenant; and for no other purpose, but that he might show himself, and have it believed in the east, as he accomplished in the west, that he should seem the head and the pillar of the Roman empire: That a State, the mistress of the world, should seem to be under the shade of his power:* That his rod stood in place of the decrees of the senate, or the orders of the people.

The charge of peculation he could easily answer: but these things he could not answer; nor was there anything so definite in them, that strictly speaking, they could be made the ground of an impeachment; but it was easy to see by reason of them, the alleged offence would be established; and which alone could come within the laws. He chose to withdraw from the trial, and go into banishment.

If, in like manner, impeachments that have brought at reproach upon republics were examined, it might be found that in the greater part of them, bating sudden errors, and *mistakes incident to all human affairs*, there would be found though not the best foundation for the particular charge alleged, and the sentence pronounced, yet remotely something blameable, which had led to the making the charge in question.

But even taking it as matters seem to be on the surface of things, the wrongs of democracy and injustice of public characters, will be found to fall short of those under lurid despotism. For a view of this let the history of the Roman empire by Livy, be compared with that of the same people under the emperors, as we have it by the divine pen of Tacitus.* There is no one who will consult the nature of things, or look into what has taken place in popular governments, but will think that there is greater chance for justice to an honest man, than where this depends upon the caprice of an individual. For it is not the despot himself that is alone to be dreaded; it is those he has about him, and will allege words spoken of him, or acts done against his government; when, in fact, it is their own resentment, for something done, or said, or omitted to be done, or said, which they wish to gratify.

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* "*Stat magni nominis umbra,*
Ut frugifero quercus sublimis in agro.' —Lucan.

The two last words in the first line form the celebrated motto of Junius. The allusion is to Pompey, under the shade of whose name Rome reposed in security the field of corn under the shade of the oak.

A despotic government is safer for a dishonest man, and he has the best chance of coming forward there, where it is not ability or integrity that recommends, but subserviency to the passions of the prince. Wealth, too, must necessarily have a wider scope of influence, and poverty more likely to be more oppressed and abject. When I speak of the poor, I do not mean the absolute pauper, but the comparatively poor, or rather, the comparatively wealthy. The man who can maintain himself by his labor, and have something beside, is only less rich than the *millionaire*, and may be the more independent and high-minded of the two.

But it is the rage of *mere* democracy that has brought reproach upon republics; democratic power unbalanced, is but the despotism of many instead of one. It is the balancing with stays and braces of distributed powers that gives safety. This distribution of power is the highest effort of the mind and yet you will find but few, who, like my bog-trotter, will not conceive that they could form a constitution that would give energy and guard liberty. It is this false idea, overweening conceit, that I have it in view to ridicule. I am willing to give it the whole force of my indignation, in proportion as I know the error, and the consequences. Let any man look at a book published in this State, under the specicious title of "Experience the test of government," and see the crude conceptions that it contains; I do not know by whom written, and he will be sensible of the consequences of putting the moddeling of a constitution in such hands. "I am not afraid of the people of Pennsylvania," said a pompous orator to me. The fact was he had nothing to be afraid of, unless they would take his scalp. Nor am I afraid of them on my own account, but on theirs; at least I am afraid on their account, as well as my own. For the formation of a government, is not a matter to which the bulk are competent: or if they will indulge caprice in changing, and they will go on to change; when ever achange is made, it will be but a majority that is satisfied, and perhaps that not great; and it is to be expected that a portion of the majority, not finding their account in the change, will associate with the former minority, and hence a change, and so *toties quoties*, until only *one remains* that is to be satisfied. Stability in institutions, is the great end of all political wisdom. A continual shifting, and changing of State policy, to the whim, or passions of those in power, or of those who desire to get into power, is bad enough, but a continual alteration of the foundation of government is absolutely ruinous. I am not an enemy to reform, and improvements, even with fundamental law, but I wish to see them consistent with the general stability of the system, to which, if suffered to stand the habits of the people will gradually conform, while the positive advantages of one modification of the constitution over another, as long as it is democratic, is very doubtful.

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*This chapter is worth many a volume of formal dissertation. The above sentence fairly contrasts democracy with despotism, and serves to reconcile us to the unavoidable defects of our govenment. Everything must be judged by comparison, and every human work must partake of the imperfection of man.

It will be said impeachment is of no use; the constitution being such, that a conviction cannot follow; it requiring such a proportion of the tribunal, before whom the impeachment comes to trial, to be of a mind. Is it nothing even in the case of an acquittal, to be scared half to death? Even on a representation of the people, and a citation before a committee of the House of Representatives, one may as well be half hanged, as to undergo the terror.

Can any one, looking at the Quarter Sessions, think that there is no good by trying, even where there is no condemnation? I have known many a man tried, that I thought guilty in the letter of the law, and perhaps in spirit, but if acquitted by the exclusion of testimony not legal, or the leaning of the jury on the side of himself, or otherwise, I did not think there was nothing in the having brought to trial, and shaken the prisoner well over the indictment, or rather the indictment over him. He might reform, and it would be a warning to him.*

It is possible, that something like oppression and tyranny, or bordering on these, both to people and bar, may have been complained of in judges, with some cause, in times past, Is it to be supposed that what *has* taken place, has contributed nothing to arrest, or remove this grievance? Would not the oppression and tyranny seem to have veered to the other side now, and to be found in some degree, if not with the people, at least *with the bar*? It has seemed to me to be so, and it is therefore, but an emanation of my feelings when I portray in my imagination the disorder of untamed animals admitted to be advocates. It is doubtless a caricature of what I mean, but a thing has usually some access in it, to be felt as the proper subject of a caricature. While the lawyer has it in his power to influence his client; and even to excuse his own ignorance or errors, by the loss of a cause, upon a judge, or alleging oppression, the client can apply to a House of Representatives, and the judge, of course, be brought down with facility, the presumption is, that he will bear a great deal of impertinence, impudence, and irregularity, before he will think it advisable to endanger the running the gauntlet, by entering into a contest with a powerful member of the bar. I do not mean powerful in point of talents; for there is nothing to be apprehended from men of ability it is from the uninformed that the difficulty arises; and insults are received from them, because it is in the instinct of their natures, to cover their defects by noise and arrogance; or, from a want of knowledge, they think themselves monstrously wronged, when they have the fairest hearing, and the fullest justice.

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* A loyal Scotch clergyman offered up the following prayer against Bonaparte, "Take him gude Lord and shake him weel o'er the bottomless pit—but dinna just let him fa' in."

The suitors of the court, the jurors, the circumstantibus, or bystanders, complain of the length of speech in the lawyers, and of the judges for suffering them. There was a time when the judges might have taken some liberty in restraining, or at least in frowning on diffusiveness of explanation; but more caution must be used now, lest offence should be given; judges being more under the weather than formerly. A prudent man in a judicial station, will bear for the present, what he will not always bear; because he will discern that this is not the time to make head; but that after some time, the current may begin to set in a different direction; and that may then succeed which now would but strengthen the tide. Besides, it is difficult to say when the speech is too long; and it may be a question whether the court ought to be suffered to judge of that. The constitution provides that a man shall be heard "by himself or his counsel;" but it does not say how long he shall be heard. Admit the court may have a right to say, that the speech has been long enough as to them, have they a right to say that it has been long enough for the jury? How can they tell whether the jury are satisfied? What is more; is it the court or jury that have the right to say, that they have heard enough; or is the suitor or his counsel who have a right to say, we have not been sufficiently heard? *Tyranny and oppression*, in refusing to hear, may be charged; and thus it is a matter that must depend a good deal upon the temper of the times, and upon a discreet discernment of what is practicable, on particular occasions, or with particular persons, that a judge must determine what to do. A man of sense at the bar, is easily manageable; but a weak man is as difficult to manage, as the visionary philosopher's panther.

Do our representatives in our legislative bodies, always confine themselves to the point, though they may to the question? In other words, is it possible to keep them in order, though it may be to call them to order? Is it found possible to abridge their harangues while breath and strength of lung lasts? If those whose business is not speaking, can find such facility in prolonging a discourse, what may not be expected of such as are more in the habit, and without fatigueing themselves, can speak interminably? Were our orators in the legislative bodies as much in the hearing of the people, as the advocates of our courts, they might be complained of as much for the length of their speeches. In the courts, it is no uncommon thing for the judges to express a weariness of the tediousness of counsel: and sometimes to attempt to bring them to the point, and to abridge their harangues; but it will seldom, if ever, be found to answer any end but to prolong the discussion; for if you restrain at one point, there will be an overflowing at another; and it being like to come to an altercation, which is indecent, it will seem best to give up the contest, and let the thing take its course. The line is so delicate between unseasonable interruption by the court in calling to the point, and what is justifiable, that it is difficult to fix it without doing injustice, and impossible without giving dissatisfaction. In human affairs, there is no reaching the perfect in the application of principle. All that can be done is to come as near it as possible, by a just discernment of circumstances. What is done, may be blamed; but there might be more blame, had the contrary been done.

CHAPTER XXXVI.

In which the subject of impeachment is gravely pursued.

The power of impeachment, I repeat, is the most salutary principle of a free government.* Where there is a full scope for this, there is no danger of convulsions: and there is a prospect that the constitution may be preserved. Injustice may be done: no doubt of that, and injustice a thousand times, has been done. But it is the fortune *de guerre;* the fate of war; in other words, a tacit condition of the acceptance of an office. It is a maxim of law, *qui sentit commodum sentire debet et onus.* A good book might be written on the history of impeachments. It would be instructive, and might be entertaining.

I would like to see the sentiment I have broached, fully developed; and the history of impeached characters so far traced, as to see whether some conduct in a public capacity, or in the ways and means of getting a public office, or appointment, had not laid the foundation of the ultimate prosecution. The presumption is, that the shoe must have pinched somewhere, to have produced that uneasiness which has been felt; and which has terminated in a public accusation. And in some particular, perhaps, in which the individual may have deserved commendation rather than blame; but upon which it has been thought the more practicable to succeed, taking into view the prejudices of the times. Such an investigation of causes and effects, might save the character of democratic governments from such blame. I admit it would not perfectly justify the impeaching for one cause, while another was more in the minds of the public; but it would account for it, and excuse it. One is less shocked at the imprisonment and fine of Miltiades, when we recollect his demand of *an olive crown* after the battle of Marathon. It was answered to him, "when you shall conquer alone, it will be time enough to ask to have honors paid you alone." It may easily be seen, from his coveting this distinction, that his ambition was not sufficiently regulated; and it may be inferred, that the like spirit, exhibited in other instances, may have given just offence to a people jealous of equality.

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* So it was thought at the time of framing the constitution, but it has become, as respects the chief magistrate, a dead letter. Unless, in the anomalous case of a President with both Houses of Congress opposed to him, the premise could not be carried into effect. Napoleon and his nephew, Louis, destroyed all responsibility, by *taking all responsibility*, that is by assuming all power in themselves, and consequently responsible to no one. The idea of an American President, and of Louis Napoleon, I take the "responsibility," was the same.

I have known a man in office, whose sordid mind in money matters, appeared to me to render him undeserving of an office; and though this could not render him liable to any impeachment; yet, if he were impeached for something bordering on what was impeachable, there would be a predisposition to be reconciled to his being found guilty. For no man deserves an office in a republic, that is mean in money matters, and is justly chargeable with a sordid economy.

Inordinate self-love in the accumulation of office, in a single family, is at all times obnoxious to popular dislike; and the most upright discharge of a public function, will not atone for the engrossing money in one's own person, or that of connections.

One consideration ought to go a great way in reconciling the public mind, in a popular government, to the bearing these things when they occur, that nature is constantly acting to remove the grievance by death, and in this way to bring about rotation in office. Combinations will be broken by the quiet operation of this general law; pluralities will disappear; and the poor devil that is disgracing himself by a nearness that is contemptible, cannot always live to enjoy, if he may be ever said to enjoy the savings of his penury. In the mean time, it is a satisfaction, that if the general contempt is not felt by him, it is felt by every one else.

Where a man is liberal in his private dealings, and contributes to objects of utility, according to his means, he is thought to be deserving of office, and his generosity and public spirit, like charity, will cover a multitude of sins. It is rare that such a character becomes the subject of popular persecution. Where indeed his liberality is but the stilt of his ambition; and this is indulged so as to wound the self-love of others; we need not wonder if it draws persecution.

The most manly thing I know in the history of the Roman senate, is the impeaching Manlius Capitolinus. Generosity and public spirit on his part had showed itself to be but the stilt of ambition. That is, it was not public spirit, but inordinate self-love. He had saved Rome in defending the capitol; but he was not satisfied with the consciousness of this, and the gratitude of his country on all occasions expressed; but he must be the only man of any name in the State. With a view to this, what were his arts? Affecting to be the advocate of all confined for debt; paying debts himself for some, with ostentation; showing his wounds and scars, and perpetually talking of defending the capitol; harangueing against the senate, and charging them with concealing the public treasures; remonstrating with the community on their not knowing their own strength, and doing themselves justice in the government. From these arts, such was his influence with the body of the people, that even the dictator, Cornelius Crassus, the second after Romulus, who had taken the *spolia opima*, and who was created dictator for this purpose, amongst others, of checking the sedition, dreaded it more than the war against the Volsci, which he was obliged first to meet. For though returning victorious over the enemy, and armed with the honor of a triumph, yet he considered the contest at home as the more formidable; and though he had ordered him into custody; yet had not thought it advisable to proceed farther against him. It was thought that his abdicating the dictatorate, which he did at this time, was owing to his not choosing to meet the tempest that was breaking out on behalf of this demagogue to liberate him from the prison. The counsels now chosen and the senate, were in consternation, when, at the proposition of the two tribunes of the people, Marcus Mœnius, and Quintus Publius, the bold measure was adopted of charging him before the people themselves, and bringing him to an *impeachment*. The result was that the very people rallying onward to support him, were arrested in a moment at the idea of guilt charged upon him, and them selves made the judges. What was the charge? Why simply that of attempting to destroy the balance of government, by inflaming the populace, and running down the senate. Yet strange as it may seem, this very populace, who were alleged to be the subjects of his arts, and the means of his treason, in a fair examination found him guilty; and in order to stamp his conduct with perpetual disgrace, it was provided that no one of the family of Manlius, should ever bear the name of Marcus, which was his name. He was thrown from the Tarpeian rock like the vilest of criminals.

CHAPTER XXXVII.

Experiments of the visionary philosopher. The school is broken up by a summary process.

The visionary philosopher, having as we have seen, put himself at the head of an institution for teaching beasts, had collected sundry of what he considered the most docile animals. He had in his academy, as it might be called, under scholastic discipline, a baboon, a pet squirrel, a young bear, and half a dozen of pigs, &c. &c. The squirrel, as in the case of young masters, with the sons of rich people, he encouraged or coaxed, to get his task by giving him nuts to crack; and the pigs, by giving them rinds of pompions, or parings of apples; the bear and the baboon in like manner, by something in their way: and so with all the others. Some he intimidated by the ferule and the birch. He was instructing them according to the Lancasterian mode, or method, to make marks on sand, and to write before they began to read.*

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* I will produce an instance almost equal to the visionary philosopher, in a late author's work on mesmerism, who is perfectly serious. "It happened me one day to magnetise a cat for an entire hour. I sweat large drops of sweat at it. At length I fancied I had succeeded, when the fall of a dish suddenly dissipated the illusion. The villainous beast which feigned to sleep, now flew off my knees. Another experiment was tried on a young dog, which after a dozen passes, seemed to sleep. But was it the magnetic sleep?"

Things were going on very well, to all appearance, and to the satisfaction of the tutor, when a catastrophe, which now took place, brought the matter to a conclusion. It was not from the lady who had brought the pet squirrel to be taught, though she had expressed some impatience at the favorite not making a more rapid progress, because she was sure it had genius. But she had forbidden the professor to use the rod; and what ground could she have to expect a close application, and a quickness of perception without a stimulus to the mind, by the feelings of the body? However, it was not from the lady taking away her scholar, or that of any of the other employer and subscribers withdrawing their rabbits, or other students, but from that wicked fellow, Will Watlin, followed by Harum Scarum with a switch, who, breaking into the *menagerie*, exclaimed to the professor, or principal; it is not of much consequence now which he is called:—What, said he to the master of the hall, is it in imitation of your pupils, that you are in your bare buff? *Sans cullottes*, have you nothing to cover your nakedness? Had you put yourself in your sherryvallies, or overalls, there would have been some decency—Everything is French now-a-days. Is it French that you are teaching these to speak or write? I see a baboon there; Louis, I suppose, is his name. He will learn French fast enough, if that is all you have put upon his hands. He was a Frenchman as far back as Arbuthnot. The squirrel may chatter something, and it may sound to us like French. Do you mean to make the bear a *parles-vous?* No wonder that the two John Bulls, senior and junior, the old and the New England, should talk of *French influence.* Do you expect your pigs will make officers under Bonaparte, interpreters, perhaps? I would have you know that we have too much French amongst us already. If the French should come over to us in an oyster-shell; for I do not see what else they have to come over in; and this they could not do unless, like Scotch witches, there might be some use in currying favor with Napoleon.

But is the discipline of your school correct, even if there was something to be taught that would be of use in science, in agriculture, or in commerce? Do you instruct them in history or good breeding; to keep their persons clean, to pare their nails, and shave their beards those of them that are grown gentlemen? That fellow there the racoon, does not appear to me to have had his beard shaved these two weeks. Do you keep him from spitting on the floor, and other indecencies? Do you permit him to chew tobacco? It is true, I do not see any of them with a cigar in his teeth, like the American monkies and oppossums, the greater part of them of a bad family education; and so farewell. But that mongrel between the terrier and the pointer breed, with a collar on his neck, may be said to have a collar without a shirt to it. Away with you, away.

With that Will Watlin drawing his wattle, and Harum Scarum using his switch, they began to lay about them. The monkey leaped, the pigs squealed, the squirrel chattered and ran into his cage, the bear growled, the pointer howled, &c. &c. &c. The education was thus interrupted, and the institution broken up.

CHAPTER XXXVIII.

Teague complains of neglect, and desires a better office.

The bog-trotter complaining of neglect, alleging his services at the original establishment of the government in *trailing a pine log*, and thereby intimidating the populace at his coming to the settlement, the Governor was constrained to give him an office; and selecting one for which he thought he might be, in some respects, qualified, he made him an *auctioneer*. It could not be said that he had not a pretty strong voice: and in knocking down an article with his mallet, "*once, twice, three times*," with the assistance of a clerk, the sales were pretty rapidly effected. Occasionally he made a blunder, as knocking down a frying pan, and at another time a brass kettle, he run too long, because the sound pleased him. All agreed that he made a pretty good vendue master with the aid of his clerk; but still he was not satisfied; and an ambassador being about to be appointed to the Barbary powers, he was willing to go to Algiers, Tunis, or Tripoli. His friends favored his pretension, Thady O'Connor, and some others, who had an expectation of accompanying; Thady as secretary, and others in different offices. The Governor resisted the application on the ground that one office was enough at a time. His resignation even would not justify it; because it would look as if there was a *penury of men of talents*, when it behooved to take one from his duty, as if another person could not be found who was as well qualified. The junto spoke of the appointment of John Jay to the court of London, while he was chief justice, not resigning; and of Ellsworth, also a chief justice, in a similar situation.

These things were all wrong, said the Governor.

Could Washington do wrong? said a stickler on the side of the bog-trotter. Yes, said the Governor, and Adams and Jefferson too. I will not say but my bog-trotter might make a very good ambassador, with instructions and the advantage of a secretary; but is Teague O'Regan alone, in all the land, to be singled out for this trust? After searching the whole country from Dan to Beer-Sheba, can I find no other that can sustain the weight of this negotiation? If I do appoint him, he must resign his place as auctioneer; and does he know that the Algerines are Turks? And if he goes there, I mean, to the Barbary coast, he must be circumcised, and loose—

Loose what? said Thady O'Connor.

I will not say what, said the Governor; but you may guess.

There is more effect in a hint, than when the story is spoken out; and therefore Thady, and the auctioneer also, their imagination outrunning their judgment, and their fears their ambition, concluded it would be best to stick to the hammer and for Teague to remain crier of vendues, and Thady O'Connor clerk.

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CHAPTER XXXIX.

Why is there more talent in the new settlement than in the old?

What is the reason that there is usually more talent in the new settlements than in the old? Is it the fact? That would lead to a discussion of some delicacy, and induce comparison, which according to the proverb is odious. But there is doubtless some ground for the assertion, that our ablest orators, and best generals, have come from the West, or the new States. Washington, and Patrick Henry, may be regarded as frontier men. Harrison, Brown, and Jackson, have been our best generals, during the present war.* Clay, of Kentucky, is rapidly rising in fame; Crawford, and a relative of mine, John Brackenridge, are among the best speakers in Congress. But admitting this superiority to be a fact, can any cause be assigned? Sometimes it is accident. Salust in his introduction to the *Bellum Catalinum*, asks, how came it that the Roman State rose to such eminence, the Greek being before it in the arts, and the Gauls in valor? Reflecting on the subject he resolves it unto the circumstances, of *a few great men having risen in it.*

Nevertheless, though it may sometimes be a matter of casualty, yet it would seem to me, that it cannot well be otherwise, but that in new countries, the human genius will receive a spring, which it cannot have in the old. But the cause lies deeper; and in this the strongest minds, and the most enterprising, go there. The men who go forth to seek their fortunes gives proof of superior innate energy and vigor. They are thrown upon the vigor of their own intellect, and are necessarily reself liant. Why is it that subterranean fire bursts from the earth, but that it has an energy that breaks through obstructions, and ascends to a higher element? The plodding cub stays at home, while the more active taterdemallion, quits his parental roof, and goes to build a cabin, in the wild woods of Tennessee, or elsewhere. The same elasticity and spirit of mind which brought him there, gives him distinction where he is. The independence of his situation contributes to this; fettered by no obligation, and kept down by superiority of standing. Why is it in the arts, that an age of great men, cannot but be succeeded by an inferiority of power? This holds true in poetry, which is the province of the imagination. Why did the slaves on a certain occasion, yield to their master's whips? It was owing to the subjugation of habit. People accustomed to look up to the superiority of others, are discouraged in their efforts, even when unconsciously possessed of higher powers.

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* The author died in 1816, these few last chapters, were written a year before his death.

But there is also something invigorating and inspiring in a new country, in the very newness, freshness, and elasticity of nature. The streams of a new country, at least it is so in this Western wilderness, flow more abundantly, and the springs burst more plentifully. This is owing to these beautiful native forests, which we are hastening to destroy. Nothing distresses me more than to see this thoughtless destruction. Those groves not only attract the clouds, and cause them to descend in showers, but every leaf is a cup to retain the precious element which runs down the trunk and branches of the trees, and is conducted by the roots through the soft and spungy earth, decked with mosses and shrubs, until it sinks into the subterranean caverns and reservoirs. Thence the springs break forth from the sides of the hills where the ravines are laid open. How different from the barren and naked earth, where the ground is baked hard by the sun, and the unfrequent rains, or rather torrents, or melting snows, disappear at once from the surface, and are carried off through some ravine which becomes parched and dry in summer.

Who with proper reflection would wantonly destroy those beautiful groves which cover our hill-tops.

Let our Western prairies, be again covered with woods, and streams and fountains will once more be seen, the climate will improve, and the soil become more fertile. What a change must be effected in such a country as Spain, if her plains were dotted with forests, as they probably once were, but are now wide uninhabited wastes? I was delighted with the cascades of a new country, where the cool water, shaded by overhanging trees tumbles over the rocks, with a musical sound, inviting one to bathe, the mossy bank to undress upon, and the deep shades, or grottos to conceal from the nymphs. There is no fear of any one else there, unless perhaps a young girl looking for the cows, who would not much mind it, being used to see people without much covering, nor much caring whether they had any. For it is in cities, and the abodes of luxury, and false delicacy, where we depart from the simplicity of Eve in Paradise, who

"Clouted Adam's grey breaks,"

or pantaloons, when he had a pair, that this excessive modesty of manners prevails, without always a corresponding modesty in the mind.

CHAPTER XL.

The most difficult of all things is to govern men. Public opinion the great lever of modern times.

Take the individual man and how difficult it is to govern him! Between the boy and the man, that difficulty begins, and it is then the greatest; from the time that the voice begins to break the *treble* of the juvenile age, to the *counter* of of that of manhood. Here we have to do with the *confidence* of feeling some power of mind, and the *insolence* of *inexperi-*

ence. It is the same with men in the aggregate of society. The difficulty lies in reconciling freedom with subordination. That freedom which is necessary to a nations development, of all the nobler qualities, and that restraint, which prevents it from running into excesses and follies. It is like flying a kite, which must have string to soar into the clouds, yet if pulled too hard against a gust of wind, the string may beeak.

A constitution has been formed, after mature consideration, and adapted to the state of the society. But the young in years, and the young in the country, and the visionary philosopher, think they can make it better. They are sanguine of temperament, and take it for granted that the world has never before seen such creatures as they are. That, whatever errors, others have committed in like situations, they will have the judgment to avoid. The free movements within, will in time, conform to a general system, as in the heavenly bodies; but without this we have chaos, or anarchy. It is not until by disappointment, and the vexation attendant upon it, that men can learn to know themselves, and to place a lower estimate on their abilities, and discretion. A man must be forty years of age, said Lord Treasurer Burleigh, before he begins to suspect that he is a fool, and fifty before he knows it! On the same principle, an individual must have lived a long time in a republic, before he can be a republican. Some have gone as far as to say, he must have been born and brought up, under a republican government, to have the habits and way of thinking of a republican. Rollin, I think, says he must have lived at least fifty years, before he is fit to be trusted with affairs. It would be an unjust inference from these observations, that I have a bearing to absolute government, or that I am not liberal towards foreigners. I might with more justice, be charged with being ultra the other way. Neither am I in favor of rendering any changes in the constitution *impossible;* they should be slow, and difficult, and should rather grow out of the radical changes in the structure of the society itself. Yet a free constitution, strongly consolidated by the habits of the people, may for a long time, resist the effects of despotic influence.

Our federal constitution pays some regard to age, and the presumption of experience, by requiring the Representative to be twenty-five, and the Senator thirty years of age, but it is the duty of the constituent to go beyond this, and to choose only those who are known to be among the wisest, and most experienced. If this were attended to, as it ought, we should have less of that rawness, and intemperance, in our public bodies, that so often detracts from the respect in which they ought to be held. Young cocks should never be heard to crow in the Senate house, or young whelps to bark in the other chambers. The Scripture says, "bray a fool in a mortar, and he will not be wise." All length of time, all experience, from the consequence of his errors, will not correct. But he must be a fool indeed, an idiot, who will not derive some advantage, from what he has seen and suffered. Age, on this account alone, is of importance. When a member has made a speech of some hours, in a deliberative body, and finds he grows *no taller*, in reputation, he will be disposed to abridge his *ventriloquy* on other occasions, for I call it *ventriloquy*; it deserves no better name. In courts of justice, where the rights of parties are involved, more latitude is to be allowed. There, a patient hearing is a virtue in a judge, although already convinced by the mere stating of the proposition. The quality of a good listener in a judge, is a virtue; it is said to be possessed in an eminent degree, by the Chief Justice of the United States,* and is one reason of the high esteem, in which he is held.

There is no moral truth, whose weight can be fully felt, without experience. What do I mean by moral truth? I mean that which depends on the nature of man, and is the foundation of his actions. This is the same as moral philosophy, which we are continually studying in everything we see, or hear, or read, although there are some, who pretend to make it a distinct science. Who would believe without experience, that it is so difficult a thing to govern the *rational* being man? The most simple way, and doubtless the most effectual, is the same by which you would govern that which we call the *rational* or *half rational* animals—that is with *the bridle, the goad, or the whip*. But this is *despotism*, the very thing, of all others, we wish to avoid. It is the very opposite of democracy. It is the naked sword, the emblem of power, and the immediate or ultimate resort, under all governments.

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* Marshall.

An individual at the head of an organization, supported by an army, and a host of civil officers, may command *millions*, and keep them in subjection; but in this case, no one can be allowed a will of his own, to the smallest extent. If the *two legged thing*, that calls himself a man, under such a government, should attempt to speak, or act for himself, off his head goes, scalp and all, and there is an end of the disturbance. What was to hinder Napoleon, from converting the whole of the peasantry of France, into serfs like those of Russia? He had the same power with the Russian Emperor. There is one way, the opposite of this—which is to let the multitude alone altogether, and then there is anarchy and no government. If you let them alone, it does not suit very well, for in that case, they rob and plunder, and there is no security; and there being no security, there is no industry, and consequently no improvement in the arts, or amelioration in the condition of man; on the contrary, everything would go back to barbarism, if despotism, were not called to the rescue; and after a very short trial, this would be the case with all but the incorrigible vagabonds, or visionary philosophers. If you undertake to restrain their passions, how will you do it without force, or persuasion? Persuasion, will go but little way with a man that is hungry, to hinder him from putting his paw upon whatever eatable is before him. It must then be *force;* government must therefore, in the first instance, be founded on *fear*, coercion, power, figuratively—the sword. It is but a conceit of Montesquine, to found a republic on the principle of Virtue, and a monarchy on that of Honor; they are both more or less founded on virtue, as well as fear; that is, the fear of a present or future evil, added to force to be applied when necessary. It is, indeed, to be hoped, that reason, and affection, under the enabling and enlightning influence of free institutions, will in time, in a great degree, supercede this degrading power. The schools of public instruction, aided and sustained by that great lever, public opinion must follow up the work; and it has my best wishes for its success. I hope I have contributed a little towards it in this book, consisting of what some are pleased to call fooleries. The schools, to which I allude, are the pulpit, the press, the courts of justice, and the political institutions in general, the common, and all other schools, of course included. I do not say anything as to the duties of the pulpit, in matters of pure religion, because my book relates to social and political subjects, and I speak with reference to its effect here. The attendance of men, women, and children, on the observance of public worship, lays the broadest foundation for private and social morality, hence the duties of the pulpit, are of the first importance, in teaching in detail, the great lesson of man's duty—"to do justly—love mercy—and walk humbly before God." It is to this our great democratic experiment tends, which ought not to be founded on *force* or *honor*, but on the wisdom and happiness of the people.

What we have seen in this new settlement, is a picture of the credulity and restlessness of man, and his constant struggle to break through that salutary organization of power, by which he is restrained from that, to which his passions prompt, to his own injury and the injury of others. He will endeavor to break through, by talking of changing the modes of government. But it is not the *modes*, but the being governed at all, that annoys him. A constitution, is that organization by which a man is governed by rules that apply to every individual of the community; and from which no one is exempt, but all are bound to obey; binding the highest, and affording protection to the lowest; yet leaving the widest possible scope of personal freedom; this is a constitutional democracy. But the frequent changing the parts of the constitution, and altering its structure, begets the desire of change; and like a dislocated bone, must produce a *weak joint.* It ought to be some great palpable defect, on all hands admitted, that would justify a change, and not for the sake of mere experiment. The one half of the effect of laws, or general rules, is the being acted under. It injures a saddle-horse to put him in harness; because he must change his gaits. There are, of course, in every society, individuals here and there, of remarkable superiority, who, as it were, have a light within themselves, as if enjoying a portion of inspiration direct from the divinity, and governed by a godlike impulse; just as on the other hand, there are some who seem to have been born devils, and are as incorrigible from the beginning.

Public opinion, I repeat, is the great lever in a democracy; and the more enlightened the great body of the people are, the more powerful will that opinion be, at least so far as respects the more complicated questions of State policy. There are instinctive impulses, which at times, pervade the most illiterate masses, which go before reason, and profound reflection. Under monarchies, these are considered dangerous, and altogether repressed; in democracies, they should be restrained, within reasonable bounds, by force, when they break out into acts, and by reason, and persuasion, when they do not.

CHAPTER XLI.

The visionary Philosopher once more.

The visionary philosopher, notwithstanding the want of of success which attended his speculations, had still great weight amongst the people; or, in the common phrase, "had a large share of popularity." It had been suggested that it behooved to impose taxes for the support of government. What? said the philosopher, have you not got a constitution; and cannot a constitution work without taxes? At all events, what is called an impost, may suffice.

An impost; what is that? said a man amongst the crowd.

Why, an imposition, said another, what else could it be!

Impost, has nothing to do with imposition, said the philosopher. Which is to knock down a man when he comes into the settlement, and take his money from him. The English have what they call a poll-tax, or a tax upon scalps. It cannot but raise a good sum from the red people, who take so many from the whites. In some governments, they tax boots.

Would it not be better to lay a tax upon legs, as being more easy to be collected, and less liable to evasion? said an honest man.

Of all taxes, said one in answer; I think this would be the most easily evaded; because a man could run away with his legs.

Robbing people that come into the settlement, will not do, said one; at least for a permanent revenue; because it will keep people from coming. I am against all constraint upon ourselves, or any one else. I propose voluntary and occasional contributions.

You propose a fiddle, said his opponent. Voluntary, and occasional! Do you conceive a man could spare a pound of flesh, or an ounce of blood, occasionally for any great length of time? He might bear the first slash, but he would wince at the second.

Loans, loans, said a financier; you have nothing more to do than to borrow a million now and then, when you are out of money.

Why, if robbing pedlars will not do, said the visionary philosopher, I think loans must be the next resort.

A pretty noise we have made about a constitution, said a smart looking man in a pair of leather breeches; if there must be force constantly applied to the wheels; and money expended to keep it going.

How can a machine go unless it be worked, said a man with a slouched hat—without some to work it; and how can it be wrought without hands? I mean persons hired for the purpose; and if hired, they must be paid.

At this point of the game, a simpleton came forward, and spoke as follows:—Gentlemen, said he, I am but a fool fellow, a mere ass, a sheep, and what not, but I do not see how we can borrow, unless we expect to pay; and if what is borrowed is to be paid, why not pay in the first instance?

That will not do, said an artful member; we will be turned out, if we lay a tax; the people must be *cheated* by our borrowing in the mean time, and leaving it to those that come after us to lay a tax, and pay.

What use in having a general financier, said the multitude, if he cannot make money out of chips and whet-stones? If nothing more is to be done, than to count the money, or cast up the tax when it is paid into him, any cod-head may do that.

A financier may do a great deal more than that, said an intelligent person. He may determine and *report upon what tax may be best laid, and to what amount.* But if he hesitate to tax at all, I grant you any body may be a financier; for it is an easy matter to borrow, if you can get any to be fools to lend without funds to sustain it, and at least, pay the interest. But why borrow when a man has money in his chest?

I would call for this; every man his proportion according to his property, just as we subscribe to an undertaking; and the only difference is, that, in this case, we subscribe what we think we can afford; in that, we contribute what the community think we ought to advance; the community, through some organization of officers, and these being the judges. "Put yourself in an attitude and armor for war." What is this but to raise money, which is the means of war? It did not mean to clothe yourself in sheet iron, or in bull's hides; but to go to the bottom of the matter, and to lay a tax to support a war. No difficulty in procuring soldiers for a campaign, if you have money: no necessity to call upon militia; you will have enough to offer their services. It is money makes the mare go. Give me money and I will show you men; and when I have the men to show, there will be no war.

Aye, said Teague O'Regan, give me de boys, and a shilelah, and I will clear de fair. If you will give me de money, I will get de whiskey; and if I have de whiskey, I will have de boys, and let me see who will like to come to blows wid Teague O'Regan.

This speech pleased the people much; and they insisted upon the Governor to place Teague at the head of the finances.

It is more than probable he might have been advanced to the head of this department, the Governor yielding to the solicitations of the people had not the popular voice propelled him in a different direction. For about this time it was reported that he had taught a cat to speak. It is true, that as he had seen done in Ireland, by taking the lower jaw between his finger and thumb of the left hand, and pinching her upper jaw with the finger and thumb of the other hand, moving the lower jaw, in the mean time, as she mewed, he would make her pronounce something that resembled the crying Erin go bra, which was Irish; and by another kind of movement, and breaking of the voice, it would seem to be, bacon, fat bacon, which was English. From this specimen, it was thought that if put at the head of an academy to teach beasts to articulate, he might succeed better than any had yet done He was called principal, and being made Doctor of Laws, he was put at the head of the institution. It is necessary that a man in a station which bespeaks learning, be a Doctor of Laws; but it does not follow that he be learned in the laws, at least I have known some that are not the most profound scholars, on whom this degree has been conferred.

The visionary philosopher had made a system of rules and regulations for the government of the academy; in other words the discipline of the institution; such as conditions of admission, price of tuition, grade of classes, freshman, sophomore, &c. books to be read, hours of study, and vacation; meals, kind of food, with matters that regard decency of manners, such as that squirrels should not crack nuts, nor pigs eat apples in the school rooms; nor raccoons chew tobacco or smoke cigars. It was particularly inculcated on all, that they should rise early, wash their snouts, comb their hair, and pair their nails as becomes a student.

All things were arranged for the menagarie; and a proper number of the more tractable animals got together to begin with, such as young cubs, whelps, &c. when it was put into the head of the Principal, by some of the more high minded of his countrymen, that it was a degredation to have it said, that *an Irishman was teaching beasts*—to be called a horse professor and the like. Whether it was that the pride of the bog-trotter, took alarm at this, or that he saw the ridicule himself; he threw up the trust and would have no more to do with it. The people were dissatisfied, and his popularity fell as rapidly as it had risen.

Transit gloria mundi; there is nothing so fleeting as sublunary joys; and of all these, popularity is the most evanescent. It was but a short time ago, which was the occasion of the bog-trotter teaching the cat, and having succeeded, that he was caressed by the multitude, followed, chaired, &c. but it so happened that the chairing took place in a small cabin; and when he was raised suddenly, those hoisting, not having due regard to the height of the story, he struck his head against the ceiling, or rather rafters; for there was no ceiling; at which the Latin schoolmaster exclaimed,

> "Sublime feriam sidera vertice."

But what gave him more consolation, was the having a dinner given him, the Chief Justice presiding, and toasts drank. For it is not in our time as it was at the Olympic games, or Roman triumph, or ovation, that an oak leaf, or a sprig of laurel, or a bunch of ivy, a branch of olive, or some other unsubstantial vegetable was the gift. In modern and more improved time, we have solid food of flesh, and sauces to gratify the palate, as well as various exhilerating drinks, such as punch, brandy, and wine. Certain it is the bog-trotter had been feasted abundantly during his popularity; but now on the ebb of this, he had declined so far in reputation, that he could not have been made a constable. So fortuitous and unstable is the popular voice. Whereas heretofore during the current in his favor, things were imagined to his advantage that he had never done, and words framed that he had never spoken; so now the reverse took place; speeches were framed it is true, but they were all to his disadvantage; as for instance, that he had said the moon was made of green cheese; that a snake was a vegetable; that the only conversion with the fanatics was the turning the heels where the head should be; that he had reflected on the general government, saying that gun boats were only fit to make Virginia hog-troughs; that an embargo was like yoking pigs where there was no fence; that borrowing money only became a young spendthrift, who was afraid to apply to his father or his guardians; that there were *faults on both sides, weakness* on the part of the administration, and *wickedness* on the part of the opposition.

These allegations might be all true enough; but he had not the sense to make them; but bearing down, everything must be heaped upon him. An editor of a paper, who had boasted he could write down a man in six weeks, opened his battery; charged him with tumbling, and bog-trotting, and shaving himself with a bad razor; some things frivolous, and some things false; but it went to compose a paragraph. There was no standing this. The bog-trotter was at a loss what to do; whether to withdraw from society, and take a hut to him self in some corner of the settlement; or to quit the country and live among the savages, and wild beasts, when a mere accident gave him some countenance in the community. It was reported that he had found a stone: and doubtless he had, for it was an easy matter to find a stone on a piece of ground which had once been the bed of the river; and these stones also round and lubricous; but it was suggested to be what is called the *philosopher's stone.* This hint, some wag had communicated to the visionary philosopher, who went immediately in quest of Teague. The truth is, the stone had something singular in its configuration, and was perhaps a petrifaction. The Philosopher, though somewhat irritated at the Irishman's desertion of the trust in educating beasts, yet as it is natural with visionary men, was struck with this new idea, as what might be turned to account in making gold and silver in the present scarcity of specie; and adopting a conciliatory address, he bespoke the bog-trotter. Teague, said he, I am not come to take you up, not being an officer of justice; nor having anything to do with the matter of your *teaching beasts:* for it has occurred to myself, that if taught to speak, and sent to Congress, they might gabble like magpies, and the *remedy would be worse than the disease;* so that I come not be displeased with you, on account of you relinquishing the tuition; more especially as you have found out the means of replenishing the *national treasury,* by this stone which has fallen in your way.

Have you made any silver out of this stone yet? I should like to see a little of it.

I have made a pewter spoon, said the bog trotter, and dat is de next ting to silver, and a lead bullet, but de spalpeens have robbed me and took dem out o' my pocket whilst I was aslape, and no body de wiser for it; bad luck to dem.

Come back with me to the settlement, said the Philosopher, and I will make a man of you.

Dat I will, said the bog.trotter; and see de Governor and shew him de stone.

The stone was shown to the Governor, who was glad to see the bog-trotter again; but had no faith in the discovery. The stone, said the Governor, is a very pretty stone, made by the rolling and tumbling of the water, in one part, and breaking off in another; or has been originally a piece of wood, cut by a joiner, and is petrified; but I would just as soon take a *stick* to make gold, as I would a *stone.*

The Philosopher with Teague, appealed to the people, and reported that the Governor was averse to the having money made. The only remedy in this case was, the threatening that they would turn him out and put Teague in, or the Visionary Philosopher for Governor. With a view to this, and to refresh his popularity, a dinner was once more given to the bog-trotter. The toasts were, Down with paper money; gold and silver the genuine circulating medium, &c. &c. &c. When the bog-trotter,retired(according to a hint given him) a volunteer as follows: "Our esteemed fellow citizen, General Teague O'Regan; honor to the man, who has increased the public and private wealth without limit, by turning sticks and stones, into dollars and cents."

CHAPTER XLII.

Governor Farrago, gets out of patience, with the follies of his people, and pronounces a phillipic against them. It produces a marked effect.

The Governor wearied by this folly of the people of his government,and being out of all patience, came in among the Representatives, while in session, and made a speech that made the welkin ring. For the State House not being built, they sat under the shade of some large and spreading elm trees. Being a man of very powerful lungs, like some of the warriors of antiquity, or Shelby of Kentucky, of modern times, and mounting a stump, he spoke in the following manner.

"I care no more for my popularity with you, than I do whether you are fools or knaves. It all comes to the same thing for you seem blind to your own interests. If you wish to have this fool fellow O'Regan, for Governor, you are welcome to him. One day he is not fit to be hung, and now since he has found a stone, or something of the kind, he is fit for the highest office. If you believe in this visionary philosopher and his follies, you must take your own course. If, I say, he has found the means of transmuting metals, and changing wood or shells into gold and silver; if this ragamuffin, I say, has found such a stone, which I no more believe than that my horses' hoof has the virtue of changing the earth he treads upon, into gold; what good would it do you, when the very thing that makes such metal precious, *scarcity*, would take away all use, or benefit of it? If you would make gold and silver as plenty as bank notes, or oak leaves, would it be of more value? Do you take me for one that, for the sake of keeping my place, would consult a temporary popularity? I tell you that I will have no more teaching beasts to speak, sing, or whistle; no more coining money, by philosophers stones; or discoveries of perpetual motions, or any such stuff. Your philosopher may teach you to catch crabs in a new way, or to open oysters; I look to what will establish the government and render it *vigorous*; prudence in contracting debts, taxation to pay them and no borrowing, from Jew brokers, like minors that have their estate in expectancy. Does the heart borrow from without; or does it not take back the blood from the extremities, which it has circulated to them? It is a cheat and deception of the people not to tell them truth——

'Si populus vult decipi decipiatur,

said the Latin schoolmaster.

No, said the Governor, they shall not be deceived by me, I disregard their cacussing, and talking of taking up another candidate for Governor. They may have my bog-trotter or the visionary philosopher, when they please; and they may impeach me when out of office, or let it alone. I am at their defiance, having acted to the best of my judgment, for their true happiness. Do they take me for a coward in politics, that I am afraid to touch their pockets, and apply to a philosopher's stone, even if it had the virtue of making gold, when the making of gold or silver, would do more harm than good?

"You may have my bog-trotter, and welcome, for Governor; I am pretty well tired of bothering myself with him, to make use of a phrase of his own; I have had as much trouble on my hands with him as Don Quixotte had with Sancho Panza; and I cannot but acknowledge, as some say, that I have resembled Don Quixotte myself, at least in having such a bog-trotter after me; save that Sancho rode upon an ass, and this O'Regan trots on foot. But I hope I shall not be considered as resembling that Spaniard in taking a wind-mill for a giant; a common stone for a magnet that can attract or transmute metals. I am not one to mistake a barber's brass basin, glittering in the sun, for Mambrino's golden helmet, as Don Quixotte did. It is you that are the Don Quixottes in this respect, madcaps, and some of you from the madcap settlement, Thady O'Connor and several others, tossing up your caps at every turn, for a new constitution, or overthrowing establishments, long sanctioned by experience, and sound policy; not considering that when a thing gets in the way of changing, it will never stop until it gets to the end of liberty, and reaches despotism, which is the bourne from whence no traveler returns. Do you take me for *Jefferson?* You are mistaken if you think I have so good an opinion of you. I would ill deserve your confidence if I made your whims my guide; or regarded popularity obtained in such a way. It never came into my head that because I had got the chair of government, there was a milenium about to come, when all men would do justice, and there would be no occasion for judges and lawyers; and nations would be coerced by proclamations, and no war would ensue! Your philosopher's stone will stand you in little stead if an army is to be raised and a fleet supported; and without an army or a navy, are you safe within or without? Not while you live in a country where there is an *ocean on one side* and *savages on the other*. John Bull will come by the water, and the savage by the wilderness. A navy is the safe defence of a republic where it must, or at least, will have commerce. It always rallies round the government, and not faction. I want money to support a navy and an army, and this I will have, not by a philosopher's stone, but by drawing on yourselves; and when you cannot pay, then borrow; but lay yourselves to the wheels, and see what you can do first.

I will resign the government, and go about my business bog-trotting as I used to do, with some new waiter, if I should leave Teague upon your hands. I neither know nor care, but I should not be surprised, if some of you should have your necks in the guillotine, before a fortnight. This was the way in France, and will be so here, if you yield to those idle reveries. I will abdicate this moment. I am off, and now provide yourselves with another Governor as soon as you please."

At this, descending from the stump, and making as if about to go off, a great dismay fell upon the legislative body, and the multitude without. They had a confused idea of the matter threatened, but could not well conceive what it was. Some thought at least it was a hanging matter that was to come upon them; but all apprehended some bad consequence, there having been a rumor of philosophers in France having brought the nation to much suffering, by *guillotines;* the royal family having fallen victims to this mammoth kind of execution. They began therefore to intreat him to retain his place as Governor; and even hinted a resolution to guillotine the bog-trotter.

The *visionary philosopher* afraid that in this turn of the public mind, he might also be guillotined, fell in with the current of the popular opinion, and said he was for the guillotine; that he had a model of one in his pocket. It was the fact, he had a model, not in the least expecting such a result of things; or that there would be any occasion for a guillotine; but merely as the model of a machine that had been in use, for, cutting straw but not introduced here. I have, said he, the model of a guillotine, pulling it out, and, I take it, with the help of a carpenter or two, I could have one constructed of a proper size for the bog-trotter in the course of this evening.

Dear master, said Teague, esconcing himself behind the Governor, spake to de paple and tell dem not to be after taking de head off a christian like a baste before he has time to spake. Dis is worse dan de savages wid deir tomahawks and deir scalping knives, or tar and fedders. Let dese paple kape deir toasts and deir offices to demselves. Better to be traveling after your honor in de woods and de bogs, and slaping in a good bed, dan to be kilt here like a shape. I'll be no Governor, let dem be Governor demselves.

The Governor finding that matters were likely to go too far and not liking to witness any outrage on the bog-trotter, though he did not much care for the visionary philosopher thought it best to moderate the passions of the people or at least divert them to some other object.

I would just observe, said the Governor, that the guillotine has fallen into disrepute in France. *Deportation* is the modern manner of disposing of the criminal. They got rid of troublesome members of their legislative bodies, by sending them off in cages to South America, where they are bitten to death by mosquitoes, or died of fevers. And without much time lost, it may be perfectly convenient to carry a deportation into effect. Here is a tin cart from New England, one of those that carry tin ware, watering cans and cullenders. You can make use of this for the purpose. The bog-trotter can remain, but here is Thady O'Connor, a loose fish that can be put in with the philosopher.

No sooner said than done; O'Connor and the vissionary philosopher, were put into the cart, and obliged in all the forms of Lynch law, to quit the settlement.

CHAPTER XLIII.

Containing some account of the abode of Governor Farrago in the new settlement.

MATTERS being once more quieted, as we have related in the preceding chapter, I feel inclined for the gratification of the reader, to give some account of the Governor's abode. It is enough to say, that its locality was on a tributary of the beautiful Ohio river; and in one of the most picturesque regions of the globe. But before I describe the wood crowned hill above, and the dale below, or its falling fountains, and crystal streams, will it not be proper that I describe the mansion itself? This may be the more desirable as I do not suppose it will remain more than a few years; as in all probability, he will get a better, as the country improves, and saw-mills shall be erected. Simply present accommodation and convenience, were consulted in its erection. There were no architectural plans, or sculptures thought of. It was built of the stocks of trees, cut down on the very spot where it stood, squared with the axe, and covered with split timber, to keep out the rains: floored in the same manner, and on both sides shaded by porticos of the same material, the whole length of the building. Its length was about one hundred and fifty feet, by twenty in breadth, exclusive of the porticos, and divided at intervals, of eighteen feet, by portions of hewn logs. There were chimneys of rude stone: and the space between the logs closed in with mortar made of the common clay, mixed with dry grass. The Governor had in view, not merely his own accommodation, and that of his suit, or family, if they may be so called, but also of the frequent emigrants who might claim a night's shelter, on their way to their new homes.

The selection was not made as is too commonly the case, without regard to the beauty of the locality; although this is often difficult, owing to the closeness of the forest which limits the view in the first instence. The mansion was not such as would hurt the pride, that is natural to men, in seeing others better lodged than themselves. I do not know that the builder, had thought of the uneasiness occasioned to Valerius Publicola, by the loftiness of his dwelling on the Vilian eminence. The simplicity of his taste, was at a distance from everything of show and splendor; so that not from reflection, but from the natural disposition of his mind, he was satisfied with a structure, which would not please the more opulent, in a more advanced stage of improvement. But what it wanted in elegance, was made up by the picturesque beauty, and advantages of the situation. This was on a gently discending ridge, or slope, with a valley on each side formed by two streams, which united in a plain below, and was gradually lost in its windings through the hills. The building stood East and West to receive the morning and evening sun, and so as to be less exposed to the storms of the equinoxeal seasons. The streams on each side, flowing in opposite directions, and from the mansion, in a short distance, joined two sister rivers, which would come together almost in sight, when the intervening woods would be removed, in the erection of the new town at the junction.

Having given this sketch, I will say nothing of the adjacent building, or out-houses, or internal arrangments, which may be imagined. Nor of the bearing of the woody mountains, enveloped in the distance, in their floating azure haze, or the the extent of the level, or rising ground in view. The chief beauty was the water-fall from one of the springs, that issued from the hill. It was a perennial fountain, gushing from the crevice in the moss covered rock, and discharging a stream of more than forty gallons a minute, which fell into a deep dell, shaded by the early blooming dogwood and service berry, and the spicewood with its early blossoms, while the wild cherry and beech rose above them. The stream on the opposite, was formed by numerous smaller springs, where are undergrowth of wild plum trees, the service, and sasafras, with towering grape-vines, were overtopped by the lofty sugar trees, hickories, chestnuts, and sycamores, the productions of a virgin soil. The water of the cascade before described, was clear as crystal and as cool as the Hebrus, and falling into a natural basin of sand and pebbles, afforded a most refreshing bath, to cool the blood in the heat of summer. From these cascades, the current flowed away with a murmur, as if reluctant to quit the fountain.

I shall not speak of the garden grounds, for these were laid out but in imagination, save as to a kitchen garden, with such vegetables and esculent roots as could immediately be cultivated, and were the most necessary. The collection of indigenous plants, and native flowers, or sought from abroad could be the objects of more leisurely attention at a future day. People are thinking more of cutting down trees than of planting, and this was done without thought forthe future with the exception of a few of the fruit bearing kind, such as the mulberry, the plum, the grape, persimmon, the cherry, the haw and others found abundantly in the native forests. Individual trees and groves, ought to be carefully preserved in removing a wilderness, The depth of a native grove surpasses all description, in the sensations that it gives, in the refreshing coolness of the air attracted and breathed by their leaves. The power of art, with all her skill can never equal these natural woods, so rich, so brilliant in coloring; and ages, centuries may pass, before these noble productions can be replaced, in their majestic magnitude. and endless variety. The Rhine may boast of its castles, its ruins, rocks, and vines, but what are they to compare to our verdant hills and velvet slopes? I sometimes think, with regret, that we have lost so much of the ancient mythology, as respects the sylvan deities; such of them, to whom no worship was addressed, unless in the figurative language of the poet, which we still use, but do not feel as those who believe in the existence. It inspired a tenderness to rural scenery; and in sparing shades was favorable to taste. The landscape painter, ought to rescue these beauties, before they disappear. One could tell a rustic, who had no conception of the pleasures of the imagination, that if he would cut down this or that groupe, he would have all the Dryads on his back; the Hamadryads would come to their assistance; the Oreades would not send him rains; the Naids would order the spring, that furnished water to his reapers to be dried up. But now we have no hold on him: and much pain has it given me, to see a fringe of willows by the brook, or a hazel copse dug away, or a semicircle of trees on the brow of the hill, cut down. The Naids who poured the fountains from their urns, would now disappear, and this more than figuratively, for we know that the destruction of the groves, and shrubs of the hill-tops, will cause the springs to dry up, and we may then say with the poet, respecting the streams, "Sunk in their fountains, and their channels dry."

Nor is it only in matters of taste, that the settlers in a new country are, in most instances, deficient. They have not the most perfect judgment in the use of the small means they usually possess to establish themselves. I do not mean to undervalue the good intentions of societies in sending Missionaries among the Indians, to teach the doctrines of supralapsarian predestination, of justification by faith, and the insufficiency works, or of those other doctrines of "fate, fore-knowledge," of which according to Milton, the more lofty minded of the fallen angels, seated on a hill apart in Pandamonium, "reasoned high." But might not other funds be constituted to assist settlers in removing, and fixing themselves in a new settlement, and to instruct them in the principles of an agriculture adapted to the soil and climate, suggesting improvements, and new methods?* The thought of a scientific man of experience in agriculture, would be of great advantage. Men of public spirit, in some instances, have combined their own interests with the benefit of others, in improvements in a new country. The soil of a new country, is in general cold, and requires to be opened to the sun, and the most favorable spots for cultivation selected, leaving always a portion of wood land properly disposed. In fact if they follow nature, there will be no difficulty in this. The new settlers in the first instance, must shift as they can. Hand-mills and hominy blocks, must for a time suffice, and every man must be something of a Jack of all trades. He must be a worker in iron, and in leather, and in wood. Invention, as well as industry, is requisite, and how few there are who reflect, what prodigious fructification may be folded up in one single original thought! A single idea may be the pregnant seed of a mighty revolution in science, in art, or in morals. The principal defect, as in all other objects of human application, is the want of original thought to adopt new modes to new circumstances. This want is not so surprising, for that want is one of the rarest of the qualities of the mind, which is called genius. Dear bought experience sometimes suggests the most suitable methods, and this is one reason why foreigners, bringing with them their old habits are less successful than those who are to the "manor born." Things are rather done in this way, or that way, because they have been elsewhere and heretofore. For this reason I would wish to see missionary agriculturists; societies instituted for the propagation of agricultural knowledge, and at the same time to afford relief to new settlers. There might not be just as many Indians brought into the pale of the church, to run off again to their wild nature like partriges, that have been shut up in a coop, but there would be more churches built among the whites in the frontier of a country, which would do as well. The establishment of churches in the new settlement, is after all, the great means of preventing that tendency, even among civilized people, to retrograde to the barbarous state. Obedience to the laws, is a christian duty, and the support of government, is favorable to that settled state of society, in which, alone, any system of mental cultivation, can be the object of attention. The coming together at least once a week, for a pious work, in common, has a tendency to counteract that selfish feeling, akin to barbarism, which is apt to affect the thinly scattered inhabitants, who are seldom assembled for public purposes. A salutary impression is left, especially on the minds of the young; and if each carries away but a single idea, of the discourse he has heard, it may bloom, and produce wholesome fruit. Although no friend to the subtle and controverted doctrines of the church, I think the simple truths of Christianity, that come home to the understandings, and hearts of man, woman, and child, cannot be too frequently, and earnestly inculcated.

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* The numerous agricultural periodicals, now in existence, were unknown when the author wrote.

CHAPTER XLIV.

Being the last of this work, in which there is some account of the Courtship of the Governor, who is still a Batchelor.

It may not be amiss, at this stage of our history, to mention that the governor had not yet been a married man; and it was not the death of his lady that had propelled to enter on an unsettled and rambling way of life, as was the case with Sir Thomas Graham, who, to relieve his grief for the loss of a beloved wife, sallied out with a regiment of English troops, against the French, to kill all that he could. It was not the loss of a dear woman that had made the Captain half mad, when he set out with the bog-trotter,

"In romantic method."

But it was in part, (for the secret may now be told,) a cause that had some relation to it—disappointments in love. These had happened to him frequently, and from an early period. His first attachment that took a strong hold of him, was about the twenty-eighth year of his age. He had taken it for granted that it was a thing of course for the maid to affect coyness, and to be won with great difficulty. And hence it was that he persevered too much and too long; and when repulsed he bore it the more hardly, because he had not expected it. The effect, also, was produced, that, in his advances to a future mistress a very small matter discouraged him; in the same manner as a steed in a curricule, once baulked, will stick at a small impediment, and refuse to draw. For falling in love with another beauty, and learning that poetry was essentially necessary, in matters of love, to a young person, he wrote verses and presented them. The lady, wishing to bring him to the point, affected to consider his madrigals as burlesque, and returned them to him, telling that she had not expected such ridicule from a gentleman of his good breeding. The poor Captain, in the honesty of his heart, took her to be in earnest, and never went to see her more.

The third that he addressed, for a lapse of a long time intervened before he could muster resolution to pay his respects to any one; the third, I say, that he addressed, or rather purposed to address, was a blue-eyed beauty, with black hair and a white skin, whom he took by the hand, which trembled so that he let it go, and gave up his pretensions. The truth is, it was sensibitity, and her joy in the good fortune that she had, to be addressed by one whom she prized so much. He mistook it for a feeling of horror at her situation. His next campaign was with one whom his heart loved but his reason disapproved, for she was as handsome as an angel, but as ill tempered as Jezebel. He would have married her, but he was relieved by a richer wooer, who made a present of bread tray and chicken coop to the mother; and having her good wishes, succeeded with the daughter, so far, at least, as to gain her consent to matrimony.

His last attack, to speak in military phrase, was on the heart of a young widow, who would have yielded incontinently, had he pressed his advances; but her little boy calling a gentleman, papa, who gave him sweet meats, he took it that the child had the hint from the mother, and that the other was the favored lover. Considering the matter all over, he resolved, not as the English novelists say, upon a trip to the continent, but a journey on the continent to dissipate his ennui, and recover himself from the softer affections which had obtained the ascendant. For a change of objects diverts the mind; and going to watering places cures love, as it does the rheumatism; not that it has any other primary effect, than cheating the imagination of its reveries.

The people of the settlement had built the governor a house. The mansion of his excellency was spacious, and furnished with several large tables, and some long benches, but was deficient in one particular, a lady of the castle who might attend to household affairs and receive company. His senate thought he ought to marry. Having weighty reasons to oppose, he did not all at once accede to the proposition. The truth is, as we have seen, he was apprehensive of a repulse.

For he had laid it down from his own experience, that as some attract woman, so others repel; and there is no contending against nature. But though of great candor, he did not wish to acknowledge or profess the real motives which led him to hesitate; but rather to evade and raise difficulies.

The setting an example of matrimony, for the sake of peopleing a new country, was suggested as an obligation upon every good citizen; and that it behooved every good man to see to it that he multiplied himself. To this he replied; that he was not so sure of the truth of that proposition. That when we saw nature using means to put people out of the world, by pestilence and earthquakes, we could not be certain that it was the will of Providence there should be more bro't into it. And as it is of no consequence to such as have not yet come into life, whether they ever come at all, he did not see that those who did not come had reason to complain of those who were but the negative causes of the non-existence.

There was a subtlety in this reasoning which the people could not answsr; yet they were not satisfied. It came to this, at last, that he was under the necessity of explaining to them the delicacy of his situation, that it did not become him, the governor of a republic, to compel in matrimony in his own case, or indeed in that of any other; and that he had no reason to suppose that in any other way he could obtain the hand of the inimmorata that he might select.

It seemed to the multitude a ridiculous idea that there could be any spinster in the colony, who would refuse the hand of such a man as governor Farrago. But that if there should be any one found so recreant, the voice of the people should compel an acquiescence; that they would send through all their border, and find out a damsel for my lord, the governor, as in the case of king David, Ahasuerus, and others that are read of in the scripture times.

Appalled at all idea of constraint, he was disposed to try rather what might be accomplished by fair means. He had heard of the emigration of the Creoles from St. Domingo, which happened about this time, being driven from their own country by the revolt of the negroes; some of these half mulattos themselves, or what are called mestizoes, and not being of the fairest complexion, and pressed by great necessity, might wish to match themselves with any person for a livelihood. Or, as another expedient, he thought of sending by a trader a keg or two of whiskey to the Indian towns, to purchase a princess, who could be reconciled for a little calico to leave her tribe. But the people would hear of no Creole, nor a savage, who would be running back like a pig that is bro't from another settlement; or bringing her relations along with her, of foreign manners and attachments. They insisted on his issuing his proclamation to call in all the spinsters, and selecting one from the assembled; some Abisha, the Shinamite, or Esther—not for a concubine, for they would have no concubine,—but to be the lady of his hall, in a decent manner, as became the magistrate of a Christian people.

His Excellency could not reconcile it to himself to procure an assemblage of females by proclamation, as, in that case, one must be rejected, and another chosen, which could not but wound his own mind, as well as that of the unsuccessful candidate; and he could not marry them all, even were they so disposed; for a plurality of wives, in modern times, could not agree in one house, however it might have been in ancient, when women were better tempered than at present. Besides the accommodation of the country would not admit it. If he took two, some honest settler might be without one.

To obviate the delicacy of a selection, it was suggested, the procuring a number to be got together under the idea of a spinning match, a thing well known in the country, and let the best spinner take the prize; or to draw lots, as marriage is but a lottery, which would be a way of avoiding all idea of preference.

But, all things considered, it was thought the most convenient course to do as others did; and without making any noise, to ride about the country a little to see the damsels in their hamlets and at their spinning wheels, in their virgin state and simple habilaments, with unadorned tresses.

In visiting the settlement, his excellency admired much the spinning wheel, a piece of machinery which he saw in almost every cabin. The attitude of the spinster is unquestionably finer than that of a lady at the forte piano, or harpsicord; not altogether because it connects grace with industry, and charms imagination at the same time that it engages reason in its favor; but because the position of the body behind the instrument, and with a front view to the beholders, has a great advantage. The fact is, that a finely formed woman can be seen in no possible attitude to more advantage than at the spinning wheel. At the forte piano, at a side view, which is the best, for you cannot have a front view, but a side view only, the intsrument being in front, you see but the profile of the face, and the person in an inclined posture, with the shoulder stooping somewhat. Even the fingers, however lightly they touch the instrument, are not seen to more advantage, than those of the spinster when she draws the lint from the rock with one hand, and rests the other on her lap. I consider the Irish harp as but approaching the spinning wheel, in exhibiting the person to advantage; but independent of connecting the idea of utility, figure to yourself this simple piece of mechanism, combining the circle with the triangle in its form: the lever, the inclined plane, the axis in the principle of motion; the orders of architecture in the rounding of the pillars, from the turning loom; and the white maple stained in eccentric circles of bright yellow, or scarlet dye; the yellow of the rind of the shumack, and the scarlet of the pacoon root, gathered by the female hand from adjoining woods. The tripod of Apollo, made of ebony, may present a resemblance; but the trapezium on which the foot rests, and puts in motion the machine, with the neat ankle, and delicate slipper, is not easily painted to the fancy, But when you raise your eye to the auburn, or golden, or hair of raven wing; with a complexion uniting the lily with the rose, the pencilled brow, and eye of crystal blue; when you add to this the fingers of Hebe, disporting with the lint; the bust of Juno, the cincture and the smile of Venus, and the vivacity and sense of Mnemosyne, you may have an idea of what I have seen of beauty, and loveliness of the use of this instrument. A woman who sits with ease and grace on horseback, presents her form to advantage; but much more at the spinning wheel.

> "And still she turned her spinning wheel,"

says the old song; and if we ever hear of the Governor being married, it is ten to one but it will be to a spinster.

THE END.

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